

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, MARCH 7, 2005**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:07 p.m. on Monday, March 7, 2005, with President Talley presiding.

Councillor Brown introduced Reverend Michael Saahir, who led the opening prayer. Councillor Brown then invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

27 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
2 ABSENT: Conley, McWhirter

A quorum of twenty-seven members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillors Bowes and Randolph recognized Pike Township Fire Chief Joe Olson. Councillor Gibson recognized his former employee Victoria Phillips. Councillor Bradford recognized former resident of his district Ralph Toms. Councillor Brown recognized Norman Pace, Far Eastside Neighborhood Association president. Councillor Randolph recognized Pastor Snow and Boy Scout Troop 179, who are in attendance this evening to earn their civic badge. Councillor Plowman introduced Franklin Township Assessor Becky Williams and president of the Franklin Township Civic League Cathy Burton.

March 7, 2005

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 7, 2005, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

February 16, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* and in the *Indianapolis Star* on Friday, February 18, 2005, a copy of a Notice of Public Hearing on Proposal Nos. 49-52 and 57, 2005, said hearing to be held on Monday, March 7, 2005, at 7:00 p.m. in the City-County Building and a copy of Legal Notice of General Ordinance Nos. 4-6, 2005.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

February 10, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances and resolutions:

FISCAL ORDINANCE NO. 21, 2005 – approves a transfer of \$92,500 in the 2005 Budget of the Marion County Justice Agency (Marion County Drug Free Fund) to pay approved grant expenses for Marion Superior Court and Marion County Prosecutor

GENERAL ORDINANCE NO. 4, 2005 – creates a nonreverting fund to be known as the "Delinquent Business Personal Property Settlement Fund"

GENERAL ORDINANCE NO. 5, 2005 – establishes a nonreverting donation fund and petty cash fund for the Marion County Children's Guardian Home

GENERAL ORDINANCE NO. 6, 2005 – transfers the Indianapolis Fleet Services Division from the Department of Administration to the Department of Public Works

SPECIAL RESOLUTION NO. 9, 2005 – recognizes Indiana University Men's Soccer team on their national championship

SPECIAL RESOLUTION NO. 10, 2005 – recognizes Notre Dame Women's Soccer Team for their NCAA Division I Championship win

SPECIAL RESOLUTION NO. 11, 2005 – honors Clyde Pfisterer for over 45 years of service with the Indianapolis Fire Department

SPECIAL RESOLUTION NO. 12, 2005 – approving the Installment Tax Payment Plan for certain real estate taxes

Respectfully,
s/Bart Peterson, Mayor

February 23, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following resolution:

SPECIAL RESOLUTION NO. 13, 2005 – rescinds a prior ordinance of the Marion County Income Tax Council and increases the County Option Income Tax rate

Respectfully,
s/Bart Peterson, Mayor

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed.

Councillor Franklin moved, seconded by Councillor Moriarty Adams, to add Proposal No. 505, 2004, for action this evening. The proposal is currently under Pending Proposals and amends the Revised Code to add a new Sec. 451-6 to prohibit the sale and possession of a stun gun.

Councillor Schneider asked if the proposal has been recommended for action out of committee. Councillor Franklin said that it has been to committee but has not yet been recommended out. She said that this simply gives another measure of protection to public safety officials, and the proposal simply says that owners must be registered, but it does not prohibit purchasing or owning.

Councillor Gibson stated that he understood there were to be some changes in the language of the proposal and he suggested Councillor Franklin draft a new ordinance to put before the committee again. Councillor Franklin agreed to do so and withdrew her motion to add Proposal No. 505, 2004 to the agenda for action. Councillor Moriarty Adams subsequently withdrew her second.

Councillor Gray made the following motion:

Mr. President:

I move to modify the proposed Agenda by adding Proposal No. 107, 2005, a Council Resolution appointing Sandra Parker to the Citizen's Advisory Committee for Pike Township Comprehensive Plan, as a new proposal under INTRODUCTION OF PROPOSALS this evening. Councillors should have a copy of the proposal in front of them.

Councillor Sanders seconded the motion, and Proposal No. 107, 2005 was added to the agenda for introduction by a unanimous voice vote.

Without further objection, the agenda was adopted as amended.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of February 7 and 22, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 95, 2005. The proposal, sponsored by Councillors Gibson and Talley, congratulates the Arlington High School Golden Knights on their victory in the 66th annual boys basketball Indianapolis City tournament. Councillor Gibson said that representatives were not able to attend this evening's meeting. He moved, seconded by Councillor Schneider, to postpone Proposal No. 95, 2005 until March 21, 2005. Proposal No. 95, 2005 was postponed by a unanimous voice vote.

PROPOSAL NO. 96, 2005. The proposal, sponsored by Councillors Gray, Gibson, Talley, Pfisterer, McWhirter, Plowman, Keller, Day, Bradford, Langsford, Borst and Randolph, urges Congress to support Federal multi-emissions reductions. Councillor Gray moved to send Proposal No. 96, 2005 to Committee for in-depth discussion. President Talley stated that eight members of the body must agree to refer the proposal to Committee in order to do so. He asked for a show of hands of eight members. Seeing a sufficient show of hands, President Talley referred Proposal No. 96, 2005 to the Rules and Public Policy Committee.

PROPOSAL NO. 97, 2005. The proposal, sponsored by Councillor Pfisterer, recognizes Minh Thai as being named a finalist in the National Merit Scholarship Competition. Councillor Pfisterer read the proposal and presented Ms. Thai with a copy of the document and Council pin. Ms. Thai thanked the Council for the recognition. Councillor Pfisterer moved, seconded by Councillor Cockrum, for adoption. Proposal No. 97, 2005 was adopted by a unanimous voice vote.

Proposal No. 97, 2005 was retitled SPECIAL RESOLUTION NO. 14, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2005

A SPECIAL RESOLUTION recognizing Minh Thai as being named a finalist in the National Merit Scholarship Competition.

WHEREAS, Minh Thai was one of 1.3 million students that took the PSAT test in the fall of 2003 and one of only 50,000 who qualified for National Merit Program recognition; and

WHEREAS, Ms. Thai is one of only 16,000 top performing students in the country to be invited by the National Merit Scholarship Corporation to participate in their national scholarship program; and

WHEREAS, her list of academic honors and awards includes; the National Honor Society, Superior Honor Roll, American Legion Essay Contest District Winner, Rennselaer Polytechnic Institute Math and Science Medal, University of Rochester Humanities and Social Sciences Award, and Phi Beta Kappa Outstanding Academic Achievement Award for High School Juniors; and

WHEREAS, she also participates in many clubs and organizations during her spare time, often serving in a leadership position; and

WHEREAS, Ms. Thai is a dedicated citizen of our community and volunteers her time to the Indiana State Museum, St. Christopher Vacation Bible School, St. Christopher Summer Festival, Speedway High School Dollars for Scholars Phone-a-thon, Allison Elementary School tutor, Habitat for Humanity and Salvation Army Kettle Ringing; and

WHEREAS, in addition to maintaining an outstanding academic record, participating in clubs and organizations and volunteering, she also has held a part-time job since June 2002, at Charlie Brown's Pancake and Steak House; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City County Council congratulates Minh Thai on being one of 16,000 students to be invited to compete for a National Merit Scholarship Award.

SECTION 2. The Council wishes her much success as she continues with her education and begins her career.

SECTION 3. The Council hopes that other students will work as hard and diligently as she has in achieving academic success.

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 98, 2005. The proposal, sponsored by Councillor Talley, recognizes Indianapolis Book Fest, Inc. and their second annual Indianapolis Book Fest on Saturday, April 23, 2005. Councillor Talley read the proposal and presented representatives with copies of the document and Council pins. Delores Thornton, director of the Indianapolis Book Fest, thanked the Council for the recognition and invited all to attend the book fest on April 23, 2005. Councillor Talley moved, seconded by Councillor Plowman, for adoption. Proposal No. 98, 2005 was adopted by a unanimous voice vote.

Proposal No. 98, 2005 was retitled SPECIAL RESOLUTION NO. 15, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2005

A SPECIAL RESOLUTION recognizing the Indianapolis Book Fest, Incorporated 2nd Annual Indianapolis Book Fest.

WHEREAS, Indianapolis Book Fest Incorporated will be celebrating its 2nd Annual Indianapolis Book Fest Saturday, April 23, 2005 at Glendale Mall; and

WHEREAS, "Reaching out Through Reading" has been selected as the theme for the 2005 annual event; and

WHEREAS, the mission of the Indianapolis Book Fest is to promote literacy, as well as cultural diversity of the written and performing arts in Indianapolis; and

WHEREAS, children and adults of all races will be the target of the event, with a special emphasis on the urban communities, at risk youth, and area teens; and

WHEREAS, approximately three hundred people participated in the event the first year and at least four hundred people are expected to participate this year; and

WHEREAS, the Indianapolis Book Fest will bring together different components of the literary world and academia; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City County Council congratulates the Indianapolis Book Fest, Incorporated.

SECTION 2. The Council thanks the Indianapolis Book Fest for its generous efforts in the community.

SECTION 3. The Council extends its appreciation and gratitude to the Indianapolis Book Fest and wishes it continued success.

March 7, 2005

SECTION 4. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Talley passed the gavel to Vice President Sanders. He stated that the next two proposals will be presented to recipients at a later date and asked for consent to vote on the proposals together. Consent was given.

PROPOSAL NO. 99, 2005. The proposal, sponsored by Councillor Talley, honors Heroine Elaine Jewell-James, Alpha Grand Court Heroines of Jericho Prince Hall Affiliate, State of Indiana. PROPOSAL NO. 100, 2005. The proposal, sponsored by Councillor Talley, recognizes Companion Saul O. James, Grand Most Worthy Joshua of Alpha Grand Court Heroines of Jericho Jurisdiction of Indiana, for thirty-one years of service to the Prince Hall Masonic Family. Councillor Talley moved, seconded by Councillor Gibson, for adoption. Proposal Nos. 99 and 100, 2005 were adopted by a unanimous voice vote.

Proposal No. 99, 2005 was retitled SPECIAL RESOLUTION NO. 16, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2005

A SPECIAL RESOLUTION honoring Heroine Elaine Jewell-James, Alpha Grant Court Heroines of Jericho Prince Hall Affiliate, State of Indiana.

WHEREAS, Heroine Elaine Jewell-James has been a member of the Order of The Eastern Star for many years; and

WHEREAS, she has served in many capacities including: Past Worthy Matron, Celestial Star #61, Past Grand Youth Supervisor, Past Grand Queen, Past District Deputy Grand Matron, District #2, Public Relations Committee District #2; and

WHEREAS, Heroine Jewell-James is the Past Most Ancient Matron of Pride of Composite Court #2, Heroines of Jericho, State of Indiana, Gethsemane Guild #5 (Jurisdiction of Ohio), Persian Court #24, and Daughters of Isis; and

WHEREAS, other community involvement includes membership in the Indianapolis Recorder Women's Auxiliary and the National Council of Negro Women; and

WHEREAS, special interest is given to her activities with the John P. Craine House (Kids Holiday Party Committee) and volunteering at the Crossroads Rehabilitation Center; and

WHEREAS, she attended George W. Sloan School #41 and made history at her high school alma mater by being part of the first integrated class at Crispus Attucks High School in 1970; and

WHEREAS, the value of learning continues as she attended the Columbia School of Broadcasting and is currently a senior at Martin University where she is majoring in Criminal Justice; and

WHEREAS, Heroine Jewell-James began her career with the Marion County Sheriff's Department in 1978, where she attended Marion County's Special Deputy Academy and Corrections Academy, and retired after twenty-four years of service; and

WHEREAS, she and her husband Companion Saul James, who serves as the Grand Most Worthy Joshua, Alpha Grand Court, Prince Hall Affiliate, are active members of Greater St. Mark Missionary Baptist Church now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City County Council wishes Heroine Elaine Jewell-James and her husband Companion Saul James, their children and grandchildren the best.

SECTION 2. The Council congratulates Heroine Jewell-James and her husband as they are honored on April 30, 2005 at the Sheraton Four Points Hotel.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 100, 2005 was retitled SPECIAL RESOLUTION NO. 17, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2005

A SPECIAL RESOLUTION recognizing Companion Saul O. James, Grand Most Worthy Joshua of Alpha Grant Court Heroines of Jericho Jurisdiction of Indiana, for thirty-one years of service to the Prince Hall Masonic Family.

WHEREAS, Companion Saul O. James began his commitment to the Prince Hall Masonic Family in April 1974 when he joined Summer A. Furniss Lodge No. 61.; and

WHEREAS, he joined Darius Chapter #2, and is a member of John C. Dawson Council #22, and Persian Temple #46; and

WHEREAS, he is a 32nd Degree Mason and was elected Grand Most Worthy Joshua of Alpha Grand Court Heroines of Jericho Jurisdiction of Indiana in 2004; and

WHEREAS, he attended William Penn Public School #49 and graduated from George Washington High School in 1961 where he was in the school's concert orchestra as a first violinist; and

WHEREAS, upon graduating from high school Companion James joined the United States Air Force and was trained as an Atlas missile electrician; and

WHEREAS, in October 1962 he served on the Atlas missile combat crew during the Cuban Missile Crisis and was honorably discharged from the United States Air Force in 1964; and

WHEREAS, with a belief that "you are never too old to learn", Companion James began college in January 2000 at Martin University where he is majoring in Computer Technology and Religious Studies; and

WHEREAS, he and his wife Heroine Elaine Jewell, Grand Most Ancient Matron, Alpha Grand Court Prince Hall Affiliate, are active members of Greater St. Mark Missionary Baptist Church now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City County Council wishes Companion Saul James, his wife Heroine Elaine Jewell, their children and grandchildren the best.

SECTION 2. The Council congratulates Companion James and his wife as they are honored on April 30, 2005 at the Sheraton Four Points Hotel.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Sanders returned the gavel to President Talley.

PROPOSAL NO. 74 2005. The proposal, sponsored by Councillors Gray, Talley, Sanders, Gibson, Conley and Boyd, urges President George W. Bush and members of Congress to provide adequate appropriations to fund Amtrak.

Councillor Cockrum stated that the Mayor of Beech Grove is looking at some other economic development initiatives, and he would like to see the proposal referred to the Economic Development Committee for more in-depth, comprehensive discussion.

Councillor Gibson stated that he would like to see the proposal passed this evening, and the Committee could further address such issues at a later date. Councillor Nytes said that as chair of the Economic Development Committee, she would welcome this discussion, but she agrees with Councillor Gibson, that the message should be sent quickly with this resolution.

Councillor Bradford moved, seconded by Councillor Schneider, to send Proposal No. 74, 2005 to Committee. President Talley stated that only eight members of the body are needed to concur with sending the proposal to Committee and asked for a show of hands. Seeing a sufficient number, President Talley referred Proposal No. 74, 2005 to the Economic Development Committee.

PROPOSAL NO. 720, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 720, 2005 on February 9, 2005. The proposal, sponsored by Councillors Gray, Boyd and Sanders, reappoints Tom Alvarez to the Animal Care and Control Board. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum stated that two of the 12 meetings of the Animal Care and Control Board had to be cancelled due to the lack of a quorum. He asked the chair or clerk to send a letter asking appointees to be sure and attend meetings. Councillor Moriarty Adams agreed to do so.

Councillor Moriarty Adams moved, seconded by Councillor Oliver, for adoption. Proposal No. 720, 2004 was adopted by a unanimous voice vote.

Proposal No. 720, 2004 was retitled COUNCIL RESOLUTION NO. 41, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2005

A COUNCIL RESOLUTION reappointing Tom Alvarez to the Animal Care and Control Board.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Animal Care and Control Board, the Council reappoints:

Tom Alvarez

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2005. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 53, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 53, 2005 on February 8, 2005. The proposal, sponsored by Councillor Boyd, approves the Mayor's appointment of Michael J. Rogers as hearing officer to preside over administrative adjudication of parking citations. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Nytes, for adoption. Proposal No. 53, 2005 was adopted by a unanimous voice vote.

Proposal No. 53, 2005 was retitled COUNCIL RESOLUTION NO. 40, 2005, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 40, 2005

A COUNCIL RESOLUTION approving the Mayor's appointment of Michael J. Rogers as hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County.

WHEREAS, pursuant to Indiana Code § 36-3-3-8 and Section 103-73 of the "Revised Code of the Consolidated City and County," a mayoral appointment of a hearing officer to preside over the administrative adjudication of parking citations on behalf of the Consolidated City of Indianapolis and Marion County is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Michael J. Rogers to serve as hearing officer at his pleasure for a term of one (1) year; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Michael J. Rogers is approved and confirmed by the City-County Council to serve as hearing officer at the pleasure of the Mayor for the term of one (1) year.

SECTION 2. This ordinance shall be in effect upon adoption and compliance with I.C. § 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 67, 2005. Introduced by Councillors Gray, Talley and Randolph. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the City's Minority Business Enterprises and Women Business Enterprises Program goals"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 68, 2005. Introduced by Councillors Nytes and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code with respect to the Equal Opportunity Advisory Board and complaint adjudication"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 69, 2005. Introduced by Councillors Mahern, Abdullah and Langsford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$467,000 in the 2005 Budget of the Department of Metropolitan Development, Administration Division (Non-Lapsing State Grants Funds) to fund building construction activities proposed at 16th & MLK and enable a life sciences company to locate in this area, financed by a State of Indiana Technology Development Grant and an Indiana Development Finance Authority Grant"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 70, 2005. Introduced by Councillors Mahern, Nytes, Keller, Oliver and Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer and an increase of \$3,495,300 in the 2005 Budget of the Department of Metropolitan Development, Community Development Division (Redevelopment General and Federal Grants Funds) to fund housing development costs, acquisitions of the properties at Fall Creek Place, direct homeownership assistance, and to acquire and rehabilitate homes to be sold to low-moderate income homeowners, financed by federal grant program revenues, Community Development Block Grant funding, the Home Investment Partnership Program (HOME) grant, and a transfer between characters"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 71, 2005. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$46,500 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund) to fund reforestation, remove an invasive shrub species and to re-seed with native grasses at Eagle Creek Park, financed by a grant from IPALCO and revenues from a management agreement with TE Products Pipeline Company (TEPPCO)"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 72, 2005. Introduced by Councillors Gray and Cockrum. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$5,000 in the 2005 Budget of the Department of Parks and Recreation (Park General Fund) to train youth sports coaches to provide positive and well-managed youth sports teams, financed by an award from the 2004 Sports Illustrated and National Recreation and Park Association "Sports City USA" competition"; and the President referred it to the Parks and Recreation Committee.

PROPOSAL NO. 73, 2005. Introduced by Councillors Moriarty Adams and Talley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$ 6,000 in the 2005 Budget of Marion County Sheriff's Department (State & Federal Grants Fund) to pay approved grant expenses, funded by a grant from U.S. Department of Justice, Block Grant # 8"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 75, 2005. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$ 12,000 in the 2005 Budget of the Marion County Forensic Services Agency (State & Federal Grants Fund) to pay approved grant expenses, funded by a grant from the U.S. Department of Justice, DNA Backlog Reduction Formula Grant Program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 76, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$61,136 in the 2005 Budget of the Marion County Justice Agency (Law Enforcement Fund) to cover additional expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 77, 2005. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$17,550 in the 2005 Budget of the Marion County Justice Agency (State & Federal Grants Fund) to pay approved grant expenses, funded by a grant from U.S. Department of Justice, Project Safe Neighborhoods"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 78, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$95,000 in the 2005 Budget of the Marion Superior Court (Adult Probation Fund) to pay approved expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 79, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$7,500 in the 2005 Budget of Marion Superior Court (County Grants Fund) to pay approved grant expenses, funded by a grant from Lilly Endowment, Inc."; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 80, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$20,000 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to pay approved grant expenses, funded by a grant from the Indiana Supreme Court"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 81, 2005. Introduced by Councillor Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$100,000 in the 2005 Budget of the Marion Superior Court (County General Fund) to pay approved expenses"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 82, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$7,698 in the 2005 Budget of the Marion County Prosecutor (State & Federal Grants Fund) to pay approved grant expenses, funded by a grant from the U.S. Department of Justice, Weed & Seed Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 83, 2005. Introduced by Councillor McWhirter. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$11,896 in the 2005 Budget of the Marion County Prosecutor (State & Federal Grants Fund) to pay approved grant expenses, funded by a grant from U.S. Department of Justice, Weed & Seed Office"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 84, 2005. Introduced by Councillors Conley, Abdullah and Bradford. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$52,153 in the 2005 Budget of the Department of Public Works, Policy and Planning Division (State Grants Fund) to provide planning and consulting services to the Indianapolis Transit Task Force (ITTF) on behalf of IndyGo, financed by a grant from the State of Indiana, Public Mass Transit Fund (PMTF)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 85, 2005. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Resolution which authorizes a parking meter blackout on Monument Circle on May 27, 2005 to observe the 500 Festival Memorial Service"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 86, 2005. Introduced by Councillor Abdullah. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes the removal of parking restrictions on Dr. Martin Luther King Jr. Street between 10th Street and 11th Street (District 15)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 87, 2005. Introduced by Councillor Langsford. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for Butler Avenue and Market Street (District 21)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 88, 2005. Introduced by Councillor Gray. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for the driveway at 4330 N. Michigan Road (District 8)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 89, 2005. Introduced by Councillor Franklin. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a traffic signal for the intersection of 63rd Street and Lee Road (District 12)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 90, 2005. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Hartman Village Subdivision, Section 1 (District 18)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 91, 2005. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a change in the weight limit restriction on Gatwick Drive between Sterling Pointe Drive and Decatur Boulevard and on Sterling Pointe Drive between State Road 67 and Kirkwood Club Drive (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 92, 2005. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Davis Drive between Mooresville Road and Murray Street and on Perry Street between Mooresville Road and Davis Drive (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 93, 2005. Introduced by Councillor Cockrum. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes a weight limit restriction on Banta Road from Stanley Road to Ratliff Road, and on Stanley Road from Camby Road to Banta Road (District 22)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 94, 2005. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes intersection controls for the Concord Court and Concord Street (District 14)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 107, 2005. Introduced by Councillors Gray and Bowes. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Sandra Parker to the Citizens Advisory Committee for Pike Township Comprehensive Plan"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 66, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 66, 2005 on February 14, 2005. The proposal, sponsored by Councillor Mahern, is an inducement resolution for LDG Fox Run, LLC in an amount not to exceed \$12,000,000, which consists of the acquisition and rehabilitation of the existing 256-unit multi-family housing rental project currently known as Fox Run Apartments (to be renamed Cambridge Fox Run Apartments) located at 523 Tomahawk Trail (District 13). By an 8-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Moriarty Adams stated that she will abstain from voting on this proposal to avoid the appearance of a conflict of interest.

Councillor Mahern moved, seconded by Councillor Gibson, for adoption. Proposal No. 66, 2005 was adopted on the following roll call vote; viz:

20 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cockrum, Day, Franklin, Gibson, Langsford, Mahern, Mansfield, Nytes, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy, Talley

3 NAYS: Cain, Keller, Schneider

4 NOT VOTING: Brown, Gray, Moriarty Adams, Oliver

2 ABSENT: Conley, McWhirter

Proposal No. 66, 2005 was retitled SPECIAL RESOLUTION NO. 18, 2005, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 18, 2005

A SPECIAL RESOLUTION approving and authorizing certain actions and proceedings with respect to certain proposed economic development bonds.

WHEREAS, the City of Indianapolis, Indiana (the "Issuer") is authorized by IC 36-7-11.9 and IC 36-7-12 (collectively, the "Act") to issue revenue bonds for the financing of economic development facilities, the funds from said financing to be used for the acquisition, rehabilitation, construction, installation and equipping of said facilities, and said facilities to be either sold or leased to a company or the proceeds of the revenue bond issue may be loaned to the company and said facilities directly owned by the Company; and

WHEREAS, LDG-Fox Run, LLC or its assigns (the "Applicant"), has advised the Indianapolis Economic Development Commission (the "Commission") and the Issuer that it proposes that the Issuer either acquire certain economic development facilities and sell or lease the same to Applicant or loan the proceeds of an economic development financing to the Applicant for the same, said economic development facilities to consist of the acquisition and rehabilitation of the existing 256-unit Fox Run Apartments (anticipated to be renamed Cambridge Fox Run Apartments) located on an approximately 19.91 acre parcel of land at 523 Tomahawk Trail, Indianapolis, Indiana (the "Project"); and

WHEREAS, the diversification of industry and the creation and retention of opportunities for gainful employment and the creation of business opportunities to be achieved by the acquisition and rehabilitation of the Project will serve a public purpose and be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, it would appear that the financing of the Project would be of benefit to the health or general welfare of the Issuer and its citizens; and

WHEREAS, the acquisition and rehabilitation of the Project will not have an adverse competitive effect on similar facilities already constructed or operating within the jurisdiction of the Issuer; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. It finds, determines, ratifies and confirms that the diversification of industry and the retention of opportunities for gainful employment within the jurisdiction of the Issuer, is desirable, serves a public purpose, and is of benefit to the health or general welfare of the Issuer and its citizens; and that it is in the public interest that this Issuer take such action as it lawfully may to encourage the diversification of industry, the creation of business opportunities, and the creation and retention of opportunities for gainful employment within the jurisdiction of the Issuer.

SECTION 2. It further finds, determines, ratifies and confirms that the issuance and sale of revenue bonds of the Issuer in an amount not to exceed \$12,000,000 under the Act to be privately placed or publicly offered if permitted under current Commission policy for the acquisition and rehabilitation of the Project and the sale or leasing of the Project to the Applicant or the loan of the proceeds of the revenue bonds to the Applicant for the acquisition and rehabilitation of the Project will serve the public purposes referred to above in accordance with the Act.

SECTION 3. In order to induce the Applicant to proceed with the acquisition and rehabilitation of the Project, this Council hereby finds, determines, ratifies and confirms that (i) it will take or cause to be taken such actions pursuant to the Act as may be required to implement the aforesaid financing, or as it may deem appropriate in pursuance thereof; provided (a) that all of the foregoing shall be mutually acceptable to the Issuer and the Applicant and (b) subject to the further caveat that this inducement resolution expires on October 31, 2005, unless such bonds have been issued or an Ordinance authorizing the issuance of such bonds has been adopted by this Council prior to the aforesaid date or unless, upon a showing of good cause by the Applicant, the Issuer, by official action, extends the term of this inducement resolution; (ii) it will adopt such ordinances and resolutions and authorize the execution and delivery of such instruments and the taking of such action as may be necessary and advisable for the authorization, issuance and sale of said economic development revenue bonds, provided that at the time of the proposed issuance of such bonds (a) this inducement resolution is still in effect and (b) if applicable, the aggregate amount of private activity bonds previously issued during that calendar year will not exceed the private activity bond limit for such calendar year, it being understood that the Issuer, by taking this action, is not making any representation nor any assurances that (1) any such allocable limit will be available, because inducement resolutions in the aggregate amount in excess of the private activity bond limit may, and in all probability will, be adopted; (2) the proposed Project will have no priority over other projects which have applied for such private activity bonds and have received inducement resolutions; and (3) no portion of such activity bond limit has been guaranteed for the proposed Project; and (iii) it will use its best efforts at the request of the Applicant to authorize the issuance of additional bonds for refunding and refinancing the outstanding principal amount of the bonds, for completion of the Project and for additions to the Project, including the costs of issuance (providing that the financing of such addition or additions to the Project is found to have a public purpose [as defined in the Act] at the time of authorization of such additional bonds), and that the aforementioned purposes comply with the provisions of the Act.

SECTION 4. All costs of the Project incurred after the date which is sixty (60) days prior to the adoption of this resolution, including reimbursement or repayment to the Applicant of monies expended by the Applicant for application fees, planning, engineering, underwriting expenses, attorney and bond counsel fees, and acquisition and rehabilitation of the Project will be permitted to be included as part of the bond issue to finance said Project, and the Issuer will thereafter sell the Project to the Applicant or loan the proceeds of the revenue bonds to the Applicant for the Project. Also certain indirect expenses incurred prior to such date will be permitted to be included as part of the bond issue to finance the Project in accordance with the Final Regulations (T 8476) on Arbitrage Restrictions on Tax-Exempt Bonds in particular Section 1.150-2.

SECTION 5. This Council recognizes that the Applicant intends to utilize Tax Credits, if available, pursuant to Section 42 of the Internal Revenue Code of 1986, as amended, or any successor section thereof in connection with the financing of the Project with tax-exempt bonds.

SECTION 6. The Council hereby finds and determines that the amount of tax credits to be allocated to the Project under Section 42 of the Internal Revenue Code of 1986, as amended, does not exceed the amount necessary for the financial feasibility of the Project and its viability as a qualified housing project throughout the credit period for the Project. In making the foregoing determination, the Issuer has relied upon representations of the Applicant. The foregoing determinations shall not be construed to be a representation or warranty by the Issuer as to the feasibility or viability of the Project. The Mayor of the City of Indianapolis (the "Mayor") is hereby directed to delegate to the Director, Department of Metropolitan Development, the authority to execute on behalf of the Mayor and the Issuer any and all documents required in the application process for tax credit or volume cap allocations from the appropriate State of Indiana agency. In reliance upon the representations of the Applicant, it is hereby found and determined that the Project satisfies the requirements for the allocation of a housing credit dollar amount under IHFA's qualified allocation plan.

SECTION 7. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

PROPOSAL NOS. 101-104, 2005 and PROPOSAL NOS. 105 and 106, 2005. Introduced by Councillor Mahern. Proposal Nos. 101-104, 2005 and Proposal Nos. 105 and 106, 2005 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on February 25 and 22, 2005, respectively. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 15-20, 2005, the original

copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 15, 2005.

2004-ZON-164 (Amended)

3409-3415 WEST WASHINGTON STREET (Approximate Addresses), INDIANAPOLIS.

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 19.

TOM SILNES, by Robert V. Clutter, requests a rezoning of 1.2 acres, being in the I-3-U District, to the C-5 classification to provide for commercial uses.

REZONING ORDINANCE NO. 16, 2005.

2004-ZON-166

620 AND 628 EAST 11TH STREET, 1107 NORTH PARK AVENUE, 1104, 1108, 1112 NORTH BROADWAY (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

NDZA, INC., requests a rezoning OF 0.875 acre, being in the C-4 District, to the D-8 classification to legally establish a residential use.

REZONING ORDINANCE NO. 17, 2005.

2004-ZON-818 (2004-DP-011)

5743 EVANSTON AVENUE and 2019 NORTHDAL LAKE DRIVE (Approximate Address), INDIANAPOLIS.

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT #3

MAHOGANY GROUP, INCORPORATED, by John W. Van Buskirk, requests a rezoning of 2.25 acres being in the D-6II District, to the D-P classification to legally establish multi-family residential development with a density of 10.70 units per acre.

REZONING ORDINANCE NO. 18, 2005.

2004-ZON-857

2002 SOUTH EAST STREET (Approximate Address), INDIANAPOLIS.

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

RAVENWEED LLC, by Michael C. Peek, requests a rezoning of 1.3 acres, being in the D-5 District, to the I-4-U classification to provide for industrial uses.

REZONING ORDINANCE NO. 19, 2005.

2004-ZON-843 (2004-DP-006)

1055 NORTH GIRLS SCHOOL ROAD AND 7032 WEST 10TH STREET (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT #13

C.R. WHITE DEVELOPMENT LLC, by David A. Retherford, request a rezoning of 12.188 acres, being in the D-A and SU-1 Districts, to the D-P classification to provide for a two-family residential development with a density of 3.45 units per acre.

REZONING ORDINANCE NO. 20, 2005.

2004-ZON-848

2306 WEST MICHIGAN STREET (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 15.

WESTSIDE COMMUNITY DEVELOPMENT CORPORATION, by David Kingen, requests a rezoning of 0.21 acre, being in the C-3 District, to the C-2 classification to provide for multi-family residential development.

SPECIAL ORDERS - PUBLIC HEARING

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 50-52, 2005 on February 9, 2005. She asked for consent to vote on Proposal Nos. 50 and 51, 2005 together. Consent was given.

PROPOSAL NO. 50, 2005. The proposal, sponsored by Councillors Franklin and Plowman, approves an increase of \$56,180 in the 2005 budget of the Forensic Services Agency (State and

March 7, 2005

Federal Grants Fund) to upgrade the digital imaging capabilities of the forensic illustration section, funded by a grant from the National Institute of Justice under the Paul Coverdell Forensic Science Improvement Grant Program. PROPOSAL NO. 51, 2005. The proposal, sponsored by Councillors Talley, Moriarty Adams and McWhirter, approves an increase of \$518,372 in the 2005 Budget of the Department of Public Safety, Fire Division (Non-Lapsing Federal Grants Fund) to purchase new portable radio equipment, in support of the communications system upgrade, financed by a grant from the Department of Homeland Security/Federal Emergency Management Agency (DHS-FEMA). By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Talley called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption. Proposal Nos. 50 and 51, 2005 were adopted on the following roll call vote; viz:

24 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Day, Franklin, Gibson, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

3 NOT VOTING: Brown, Gray, Oliver

2 ABSENT: Conley, McWhirter

Proposal No. 50, 2005 was retitled FISCAL ORDINANCE NO. 22, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 22, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) appropriating an additional Fifty-six Thousand One Hundred Eighty Dollars (\$56,180) in the State and Federal Grants Fund for purposes of the Marion County Forensic Services Agency and reducing the unappropriated and unencumbered balance in the State and Federal Grants Fund.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Forensic Services Agency to upgrade the digital imaging capabilities of the forensic illustration section.

SECTION 2. The sum of Fifty-six Thousand One Hundred Eighty Dollars (\$56,180) be, and the same is hereby, appropriated the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>FORENSIC SERVICES AGENCY</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	9,585
4. Capital Outlay	<u>46,595</u>
TOTAL INCREASE	56,180

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	<u>56,180</u>
TOTAL REDUCTION	56,180

SECTION 5. No local match.

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the

appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the auditor are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 51, 2005 was retitled FISCAL ORDINANCE NO. 23, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 23, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Five Hundred Eighteen Thousand Three Hundred Seventy-two Dollars (\$518,372) in the Non-Lapsing Federal Grants Funds for purposes of the Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division to purchase new portable radio equipment, in support of the communications system upgrade, financed by a grant from the Department of Homeland Security – Federal Emergency Management Agency (DHS-FEMA).

SECTION 2. The sum of Five Hundred Eighteen Thousand Three Hundred Seventy-two Dollars (\$518,372) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY
FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

4. Capital Outlay	<u>518,372</u>
TOTAL INCREASE	518,372

SECTION 4. The said additional appropriation is funded by the following reductions:

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	<u>518,372</u>
TOTAL REDUCTION	518,372

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This non-lapsing appropriation shall be in addition to all appropriations provided for in the regular budget and levy, and shall continue in effect until the completion of the program described in section 1 above.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 52, 2005. The proposal, sponsored by Councillors Moriarty Adams, Talley and McWhirter, approves an increase of \$275,372 in the 2005 Budget of the Department of Public Safety, Police Division (Federal Grants Funds) to provide a regional training seminar on Indy's Approach to Domestic Violence, purchase supplies and equipment for community policing initiatives, and to continue the Internet Crimes Against Children Task Force. By a 6-0 vote, the

March 7, 2005

Committee reported the proposal to the Council with the recommendation that it do pass as amended by the Committee.

Councillor Moriarty Adams moved, seconded by Councillor Sanders, to further amend Proposal No. 52, 2005 to change the amounts appropriated from Character 02, Supplies, to \$3,527; from Character 03, Other Services and Charges, to \$170,002; and from Character 04, Capital Outlay, to \$101,843. She stated that this does not change the total grant amount of \$275,372. Proposal No. 52, 2005 was amended by a unanimous voice vote.

Councillor Moriarty Adams moved, seconded by Councillor Sanders, for adoption as amended. Proposal No. 52, 2005, as amended, was adopted on the following roll call vote; viz:

26 YEAS: Abdullallah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

1 NOT VOTING: Brown

2 ABSENT: Conley, McWhirter

Proposal No. 52, 2005 was retitled FISCAL ORDINANCE NO. 24, 2005, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 24, 2005

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 132, 2004) appropriating an additional Two Hundred Seventy-five Thousand Three Hundred Seventy-two Dollars (\$275,372) in the Federal Grants Funds for purposes of the Department of Public Safety, Police Division, and reducing the unappropriated and unencumbered balance in the Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1(k) of the City-County Annual Budget for 2005 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Police Division to provide a regional training seminar on Indy's Approach to Domestic Violence, purchases supplies and equipment for community policing initiatives, and to continue the Internet Crimes Against Children Task Force, a partnership with the Indiana State Police, financed by a grant from the Federal Department of Justice.

SECTION 2. The sum of Two Hundred Seventy-five Thousand Three Hundred Seventy-two Dollars (\$275,372) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

POLICE DIVISION

2. Supplies
3. Other Services and Charges
4. Capital Outlay
TOTAL INCREASE

FEDERAL GRANTS FUND

3,527
170,002
101,843
275,372

SECTION 4. The said additional appropriation is funded by the following reductions:

FEDERAL GRANTS FUND

Unappropriated and Unencumbered
Federal Grants Fund
TOTAL REDUCTION

275,372
275,372

SECTION 5. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

SPECIAL ORDERS - UNFINISHED BUSINESS – PUBLIC HEARING

PROPOSAL NO. 57, 2005. The proposal, sponsored by Councillor Mahern, is a rezoning ordinance for Franklin Township, Councilmanic District 25, 5716 East Stop 11 Road (approximate address) (2004-ZON-118).

President Talley stated Councillor Plowman called the proposal out for a public hearing on February 7, 2005. He asked General Counsel Aaron Haith to explain the procedures for a rezoning public hearing. Mr. Haith reviewed the outline and stated that in order to overturn the Metropolitan Development Commission's approval of a variance, a two-thirds majority vote of the Council is needed.

Councillor Plowman stated that this property in District 25 is zoned as light industrial in the former plan, and the new comprehensive land use plan continues this designation for the property. He said that this is not a large property and more industrial and commercial growth is needed. He said that there are plenty of residentially zoned properties in Franklin Township, and this property is not suitable for residential.

Joseph Calderon, attorney for the petitioner, stated that Pedcor Investments is a multi-family residential developer with many successful projects in Marion County. He stated that this property is bound by interstate 65 on the west and Stop 11 Road on the south and is an L-shaped property. He said that before the petitioner filed for a variance, they went to the Department of Metropolitan Development planning staff, who supported the development. He said that the property is not practical to develop as light industrial and the site has sat empty for over 10 years, further confirming the undevelopability of the site for industrial use. He said that there were other parcels that were once a part of this land and were once zoned light industrial, but are now re-zoned and being used for soccer fields and a multi-family development with some commercial retail. He said that the developer sought an independent audit which concluded that the property could not be developed properly as industrial. He said that the subdivision adjacent to the property expressed concerns about the development, and the developer worked with the neighbors to commit to additional buffers, so that the immediate neighbors now support the project. He said that this project is not a radical deviation from the comprehensive plan and there are other factors to consider.

Cathy Burton, president of the Franklin Township Civic League, asked Councillors to deny this petition for a variance. She said that this is an area of Franklin Township where economic opportunities are growing. She provided Council members with packets of information, including a large folder of letters in opposition to the project. She asked residents in opposition to the project to stand and be recognized. She said that this project does not comply with the current or proposed comprehensive land use plan. This area is realizing substantial commercial growth due to St. Francis Hospital South campus. A job market is desperately needed for the growing residential population. Residential growth is causing overcrowding in schools and affecting emergency services. She said that there are already adequate housing opportunities of this kind in this quadrant of Franklin Township.

Pat Andrews, vice president of the Marion County Alliance of Neighborhood Associations (MCANA), stated that MCANA opposes this project and believes the Council should uphold the comprehensive plan. She said that she is alarmed at the lack of commitment to the comprehensive plan and the number of zoning variances that are passed, citing the comprehensive plan as a simple guide. She said that it is time to take the comprehensive plan seriously.

David Cleveland, Franklin Township Civic League land use committee representative, stated that the eight or nine hearings were held on the comprehensive plan in Franklin Township, and over 150 to 200 people attended these hearings, with lots of dialogue. He said that the St. Francis expansion has helped economic development in this area and they want good planned growth in this area.

Ms. Burton stated that Franklin Township is not anti-development, but are considerate of the long-term economic sustainability of the township. She said that there is a gross inequity between residential and commercial growth in the township and more residential property is not needed.

Julia Beckman, executive director of the Franklin Township Chamber of Commerce, stated that the chamber has raised \$45,000 to market their township for more economic development. She said that people want to live in their community, but they need to keep the 10.2% of property for businesses. There are plenty of residential opportunities already.

Becky Williams, Franklin Township assessor, referred to a handout and said that 82.5% of all property in Franklin Township is already zoned residential, which is substantially more than any other township. She said that there is only 6.4% zoned industrial and 4.2% zoned commercial. She said that there are many other locations available for apartment complexes.

Mr. Calderon stated that the developer was asked to decrease density, which they did, from 14 units per acre to 10 units per acre. He said that the developer has been willing to negotiate and compromise, but there is no effort from these remonstrators to do the same. He said that the only people present at prior hearings were neighbors from the adjacent Sycamore Run property. The developer sat down with these representatives and made commitments to satisfy them. He said that this project will add to the tax base, and this parcel was a part of 120 acres that was formerly all zoned industrial, but is now being used for soccer fields and a commercial area. He said that the project would include additional access streets which would benefit other developments in this area. He said that this property has sat idle for 10 years and is not generating any tax revenue, but this project would provide tax revenues for the township.

Ms. Burton referred to an aerial map of the area and stated that there is significant growth in economic development in this area, and all residents of Franklin Township are stakeholders in the public process of planning the comprehensive plan.

Councillor Gray asked why this land has sat vacant for so long if it is such a great spot for commercial use. Councillor Plowman said that much of this area was farmland, but the area is slowly growing, and the township is actively working to bring more commercial and industrial development there. He said that the township hired a consultant to bring such development to the area and produced a video to market the area. He said that the township is taking active steps for economic development. He said that taxes are so high in this area and they need more businesses to offset the property tax rates.

Councillor Speedy said that he will abstain from voting on this proposal, as his business represents competing uses in the vicinity.

Councillor Boyd said that there is an active program of marketing economic development in Franklin Township, and that speaks volumes. He said that he looked at the property yesterday and asked if traffic flow was an issue. Councillor Plowman said that during rush hour traffic is a nightmare in this area. Ms. Burton added that there would be more traffic with an apartment complex, but any development would cause possible traffic problems. Mr. Calderon said that the Department of Public Works looked at the traffic, and their only requirement was that the developer dedicate a fair share of their rights-of-way to accommodate a road widening. He said that the developer has offered to help improve the site and add another access point.

Councillor Abdullah asked how this project would be an asset to the community when residential developments are already plentiful. Mr. Calderon said that the petitioner has made market studies and would not proceed with a project if there was not a viable need for housing in the area. He added that a multi-family development would provide more tax dollars and pay for itself.

Ms. Williams stated that Franklin Township added 1,555 new residential units in 2004, when previous years added less than 1,000. She said that this shows the residential growth already in the area. Ms. Burton added that the handouts also show the calculated tax impact of this project versus an industrial or commercial use.

Councillor Oliver stated that there are many areas in his district that would welcome this development if it is not approved in Franklin Township. He said that he will support the district Councillor and his citizens.

Councillor Randolph stated that Franklin Township looks like what Pike Township looked like a few years ago. He said that Park 100 Industrial Park helped stabilize all of Pike Township when residential growth exploded. He said that housing issues in Center Township need to be addressed and the City needs to focus on getting people into homes rather than apartments.

Councillor Bradford said that he will abstain from voting on this proposal, because the petitioner's counsel is his counsel.

Councillor Cockrum stated that Decatur Township is experiencing some of the same problems with a low percentage of commercial growth. He said that apartments generate school age children which causes additional hardship on the school system and community.

Councillor Borst said that he always tries to support the district Councillor and it seems the residents of Franklin Township have done their homework. He said that traffic is bad in this area, and he will support the remonstrators.

Councillor Plowman said that everyone in Franklin Township is a stakeholder, not just those living adjacent to this particular property. He said that in Franklin Township, more people attend the comprehensive plan hearings than all of Marion County combined. Even though the developers have worked hard to compromise and negotiate, he believes it is not the best use for this property and the community as a whole. He asked Councillors to vote to overturn the Metropolitan Development Commission's (MDC) decision.

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President Talley stated that a “nay” vote will signify a vote in favor of the remonstrators to overturn the MDC’s decision, and a “yea” vote will support the variance petition of the developer. Proposal No. 57, 2005 failed, overturning the MDC’s decision, on the following roll call vote; viz:

1 YEAS: Moriarty Adams

24 NAYS: Abdullah, Borst, Bowes, Boyd, Brown, Cain, Cockrum, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Talley

2 NOT VOTING: Bradford, Speedy

2 ABSENT: Conley, McWhirter

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 676, 2004. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 676, 2004 on November 17, 2004, and January 26 and February 9, 2005. The proposal, sponsored by Councillors Pfisterer, Talley, Moriarty Adams, Mahern, Plowman, Keller, Day, McWhirter, Mansfield, Bowes, Salisbury, Cain and Randolph, amends the Code to require that egress from exit stairwells not be restricted on intervening floors. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended by the Committee.

Councillor Schneider said that he opposed the proposal because he had concerns about the cost to building owners, but Councillor Pfisterer worked through his concerns and the results were positive and costs reduced, so he will now support the proposal.

Councillor Moriarty Adams moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 676, 2004 was adopted on the following roll call vote; viz:

23 YEAS: Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

4 NOT VOTING: Abdullah, Day, Plowman, Randolph

2 ABSENT: Conley, McWhirter

Proposal No. 676, 2004 was retitled GENERAL ORDINANCE NO. 7, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2005

A PROPOSAL FOR A GENERAL ORDINANCE amending the Code to require that egress from exit stairwells not be restricted.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County, specifically Sec. 591-433, be and is hereby amended by inserting the underlined text, to read as follows:

Sec. 591-433. Obstruction of the means of egress.

(a) Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the 675 IAC 13. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous.

(b) Whenever an enclosed stairwell in a Class 1 (one) structure can be used as a route of fire exit, the stairway doors shall be equipped so there is unrestricted re-entry from the stair enclosure on all floors. Exception: Group I occupancies.

ALL Stairway Access Doors above and below grade other than the exit discharge doors shall be permitted to be locked from the stairway side, ONLY if the Stairway doors that are locked from the stairway side are capable of being unlocked, without unlatching, simultaneously.

1. Upon activation of the automatic sprinkler system or,
2. Upon activation of the building fire alarm system or,
3. Upon loss of power controlling the lock mechanism or,
4. Upon a signal from the fire command center.

Existing locked stairway doors with locking hardware will not require immediate retrofit, but as any change is made to an existing stairway door, hardware, frame and / or jamb, the door lock shall be made compliant with this section. This unlocking requirement also applies to new building projects with a building permit date after enactment of this amendment.

The existing locked stairway doors shall have a label, stencil, or sign affixed to the occupant side of the door, located 54 inches minimum and 66 inches maximum above the finished floor and near the closing edge of the door stating:

THIS DOOR IS LOCKED FROM THE STAIRWAY SIDE, NO RE ENTRY.

The label, stencil or sign shall have plainly legible letters not less than 1" (one inch) high on a contrasting background. Signs larger than this minimum shall have letter widths, strokes and spacing proportionate to their height. The signs will not be required to have special illumination.

If found in Violation, an Order Requiring Compliance will be issued to the manager or building owner and, if different, operator of the building.

(c) Any member of a police or fire department who shall discover any fire escape or means of egress encumbered or obstructed in any manner shall report such condition to the appropriate fire prevention bureau and the bureau shall immediately notify the owner or occupant to remove such encumbrance or obstacle.

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 43, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 43, 2005 on February 15, 2005. The proposal, sponsored by Councillors Talley and Brown, authorizes Robert J. Clifford as an agent to accept pension liability on behalf of the City of Indianapolis and Marion County. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 43, 2005 was adopted on the following roll call vote; viz:

21 YEAS: Borst, Bowes, Boyd, Bradford, Cockrum, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

6 NOT VOTING: Abdullah, Brown, Cain, Day, Plowman, Randolph

2 ABSENT: Conley, McWhirter

Proposal No. 43, 2005 was retitled SPECIAL RESOLUTION NO. 19, 2005, and reads as follows:

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CITY-COUNTY SPECIAL RESOLUTION NO. 19, 2005

PROPOSAL FOR A SPECIAL RESOLUTION to authorize an agent to accept pension liability on behalf of the City of Indianapolis and Marion County, Indiana.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council as the governing body of the City of Indianapolis, or its agent, is required to accept pension liability and to certify, execute and deliver documents related to the Public Employees' Retirement Fund of Indiana.

SECTION 2. The City-County Council of the City of Indianapolis and Marion County, Indiana, hereby authorizes Robert J. Clifford, as the Controller of the City of Indianapolis, as its agent to accept pension liability, pursuant to IC 5-10.2-3-1, to execute, certify and deliver documents related to the Public Employees' Retirement Fund of Indiana, and certifies any such actions taken on or after January 24, 2005, and prior to the adoption of this resolution.

SECTION 3. The authority granted by Special Resolution No. 3, 2004, hereby is rescinded.

SECTION 4. This resolution will remain in full force and effect until modified or rescinded by subsequent resolution and receipt thereof in writing by the Director of the Public Employees' Retirement Fund of Indiana.

SECTION 5. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 46, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 46, 2005 on February 14, 2005. The proposal, sponsored by Councillors Pfisterer and Mahern, clarifies the powers and responsibilities of various building and construction boards, as well as the duties of certain types of contractors. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 46, 2005 was adopted on the following roll call vote; viz:

21 YEAS: Borst, Bowes, Boyd, Bradford, Cockrum, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

6 NOT VOTING: Abdullah, Brown, Cain, Day, Plowman, Randolph

2 ABSENT: Conley, McWhirter

Proposal No. 46, 2005 was retitled GENERAL ORDINANCE NO. 8, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code for the purpose of updating Chapter 875, which pertains to Buildings and Construction.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 875-101 of the "Revised Code of the Consolidated City and County," regarding the requirement of obtaining a listing prior to engaging in certain work, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-101. Required.

(a) Any person, partnership or corporation which has entered into a contractual relationship to engage in any construction ~~activity, land alteration~~ (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of this Code) or excavation work (as defined in section 645-431 of this Code) with another person, partnership or corporation which holds a property interest in the real estate on which ~~construction~~ such activity is

occurring must be a listed contractor under this article. This requirement shall not apply, however, with reference to persons, partnerships or corporations which are described in section 536-202(a)(2), (4) or (5) of this Revised Code and whose construction activity is confined to the activities described in those subsections.

(b) If a person, partnership or corporation that engages in any construction, land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of this Code) or excavation work (as defined in section 645-431 of this Code) under more than one business name, the person, partnership or corporation shall be required to have a separate listing under this article for each business name.

SECTION 2. Section 875-104 of the “Revised Code of the Consolidated City and County,” regarding meetings of the board of contractors, hereby is amended by the addition of language that is underscored, to read as follows:

Sec. 875-104. Meetings of board.

The board shall hold regular meetings once each month in offices of the consolidated city if there is some official business to come before the board. Special meetings may be called by the chairman or any three (3) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. Four (4) appointed members of the board shall constitute a quorum for the transaction of all business.

At its annual meeting each January, the board shall promulgate written policies and regulations concerning the requirement that a contractor secure building permits stated in section 875-116.

Such written policies and regulations shall be maintained and made available to the public through the offices of the division of compliance.

SECTION 3. Section 875-107 of the “Revised Code of the Consolidated City and County,” regarding qualifications for listing, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-107. Qualifications for person, partnership or corporation to be listed as contractor.

A person, partnership or corporation shall be entitled to receive a listing as a contractor if the following requirements are met:

- (1) An application form indicating the name, address and legal business status of the contractor has been submitted to the division of compliance; and
- (2) The listing fee specified in section 875-701 of this Revised Code has been paid; and
- (3) A surety bond meeting the requirements of section 875-109 has been posted and certificates of insurance meeting the requirements of section 875-110 have been submitted, unless these requirements are relieved because a person meets the inspector status requirement stated in section 875-108; and
- (4) The person, partnership or corporation does not presently have a listing issued under this article currently suspended, nor has it had such a listing revoked within a period of the preceding three hundred sixty-five (365) days; and
- (5) The partnership does not presently have a partner or the corporation does not presently have an officer who has a listing under this article currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days; and
- (6) The partnership does not presently have a partner or the corporation does not presently have an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days.
- (7) The person, general partner of a partnership, or officer of a corporation attends an orientation presented or approved by the board that provides general knowledge of the provisions of

Chapters 536 and 875 pertaining to building standards and procedures within sixty (60) days of the listing approval by the board.

Unless these requirements are met a person, partnership or corporation shall not be entitled to receive a listing as a contractor. No prerequisites other than the ~~six (6)~~ seven (7) listed in this section shall be imposed in determining which persons, partnerships and corporations may be listed contractors.

SECTION 4. Sections 875-109 through 875-111, inclusive, of the "Revised Code of the Consolidated City and County," regarding the requirements of obtaining a bond and insurance, and approval for listing, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-109. Bond.

(a) Before a listing is issued by the division of planning compliance to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license listing. ~~The bond originally filed with the application for a listing or to renew a listing shall be for a period of not less than one (1) year.~~ The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain listing and licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter, and Chapters 561, 645 and 671 of this Code; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction ~~activity~~, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of this Code) or excavation work (as defined in section 645-431 of this Code) while engaged in any construction ~~activity~~, land alteration, sewer work, driveway work or excavation work; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violation of requirements of state statute, city regulation or this Revised Code, which requirements must be met to properly carry out construction ~~activity~~, a land alteration, sewer work, driveway work, or excavation work on property of the unknown third party obligee, caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in any construction ~~activity~~, land alteration, sewer work or driveway work. However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or improper workmanship violates requirements of state statute, city regulation or this Revised Code, which requirement must be met to properly carry out construction ~~activity~~, a land alteration, sewer work, driveway work, or excavation work.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the

obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-110. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all construction ~~activity~~ accomplished by the listed contractor or under permits obtained by the listed contractor, any land alteration (as defined in section 561-109 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, all sewer work (as defined in section 671-2 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor, and all driveway work (as defined in section 645-421 of this Code) accomplished by the listed contractor or under a permit obtained by the listed contractor and thereafter maintains such insurance in full force and effect throughout the ~~license~~ listing period:

- (1) A public liability and property damage insurance policy assuring the listed contractor and naming the Consolidated City of Indianapolis as an "additional assured," providing for the payment of any liability imposed by law on such listed contractor or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the listed contractor in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the listed contractor. A certificate of such insurance shall be delivered to the administrator of the division of compliance. This provision shall not apply if the listed contractor has no employees and gives appropriate notice to the division of compliance.

The insurance carrier shall give notice both to the listed contractor and the division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-111. Approval for listing.

Approval of a person, partnership or corporation as a listed contractor shall be by the board or the administrator acting on behalf of the board. Upon receipt of such approval the ~~controller~~ division of compliance shall issue the listing. The listing shall be for a period from January 1 of any year ending in an odd number to December 31 of the following year. No listing shall be issued by the ~~controller~~ division of compliance to any person, partnership or corporation except as provided in this article.

SECTION 5. Sections 875-113 and 875-114 of the "Revised Code of the Consolidated City and County," regarding listing suspension and revocation for both a person and a partnership or corporation, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-113. Suspension or revocation of listing for a person.

The board may, pursuant to section 875-115, require the obtaining of building permits pursuant to section 875-116, suspend the listing of a person for a period of up to three hundred sixty-five (365) days or revoke the listing of a person if one (1) of the following is shown:

- (1) The listed contractor made any materially false statement of fact on his application for listing;

- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section 875-109 and section 875-110;
- (3) The listed contractor acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with regard to construction ~~activity~~, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of the Code), or excavation work (as defined in section 28-163 of this Code);
- (4) Construction ~~activity~~, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this ~~Revised~~ Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Revised Code relative to construction ~~activity~~, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violations causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;
- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction ~~activity~~, land alteration, sewer work, driveway work, or excavation work accomplished by the listed contractor;
- (7) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction ~~activity~~, land alteration, sewer work, driveway work, or excavation work accomplished pursuant to his listing;
- (8) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction ~~activity or sewer work~~, land alteration, sewer work, driveway work, or excavation work as required by section 536-402 ~~of this Revised Code~~ and section 671-22 of this ~~Revised~~ Code;
- (9) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Revised Code relative to construction ~~activity~~, land alteration, sewer work, driveway work, or excavation work;
- (10) The contractor listed under section 875-108 is no longer employed by the consolidated city and has not met the requirements of section 875-107;
- (11) The listed contractor has not properly paid the fee specified by section 875-701 of this Revised Code for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, Chapter 536, Chapter 561, section 671-22, or 645-421 through 645-443 of this Code.
- (12) The listed contractor has failed to attend an orientation within sixty (60) days after listing approval as required by Section 875-107(7).

Sec. 875-114. Suspension or revocation of listing for partnership or corporation.

The board may, pursuant to section 875-115, require the obtaining of building permits pursuant to section 875-116, suspend the listing of a partnership or corporation for a period of up to three hundred sixty-five (365) days or revoke the listing of a partnership or corporation if one (1) of the following is shown:

- (1) A materially false statement of fact was placed on the listed contractor's application for listing by an agent of the listed contractor;
- (2) The listed contractor failed to post and maintain the surety bond and insurance required by section 875-109 and section 875-110;

- (3) Agents of the listed contractor acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with regard to construction ~~activity~~, a land alteration (as defined in section 561-109 of this Code), sewer work (as defined in section 671-2 of this Code), driveway work (as defined in section 645-421 of this Code), or excavation work (as defined in section 645-431 of this Code);
- (4) Construction ~~activity~~, land alteration, sewer work, driveway work or excavation work for which the listed contractor was responsible as obtainer or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or does not comply with building standards and procedures, provisions of state law, regulations of the city or provisions of this ~~Revised~~ Code;
- (5) The listed contractor failed to correct a violation of building standards and procedures, provisions of state law, regulations of the city or provisions of this Revised Code relative to construction ~~activity~~, land alteration, sewer work, ~~or~~ driveway work, or excavation work for which the listed contractor was responsible as permit obtainer or permit transferee after an authorized official or employee of the consolidated city issued a notice of code violation, revoked a permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date when the listed contractor received notice of the code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the authorized official or employee in writing;
- (6) The listed contractor has consistently failed to apply for or obtain required permits for construction ~~activity~~, land alteration, sewer work, driveway work or excavation work accomplished by the listed contractor;
- (7) The listed contractor consistently failed to give notice of availability for inspection at designated stages of construction ~~activity or sewer work~~, land alteration, sewer work, driveway work or excavation work as required by section 536-402 and section 671-22 of this ~~Revised~~ Code;
- (8) The listed contractor has consistently failed to timely file certificates of completion and compliance, as required, for construction ~~activity~~, land alteration, sewer work, driveway work or excavation work accomplished pursuant to its listing;
- (9) The listed contractor has not properly paid the fee specified by section 875-701 of this Revised Code for a listing which has been issued, or is delinquent in other fees owed pursuant to this chapter, chapters 536, 561, section 671-22 or sections 645-421 through 645-443 of this Code;
- (10) The partnership presently has a partner or the corporation presently has an officer who has a listing under this article currently suspended or who has had such a listing revoked within the preceding three hundred sixty-five (365) days;
- (11) The partnership presently has a partner or the corporation presently has an officer who, within the preceding three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation listed under this article at the time when actions related to policies or practices of the partnership or corporation occurred which provided a primary basis on which the listing of the partnership or corporation was revoked or suspended for more than one hundred eighty (180) days;
- (12) The listed contractor has attempted to conceal violations of building standards and procedures, provisions of state law, regulations of the city or provisions of this Revised Code relative to construction ~~activity~~, land alteration, sewer work, driveway work or excavation work.
- (13) The listed contractor has failed to attend an orientation within sixty (60) days after listing approval as required by Section 875-107(7).

SECTION 6. Sections 875-116 and 875-117 of the “Revised Code of the Consolidated City and County,” regarding the requirement for obtaining a building permit, and its display, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-116. Requirement that contractor secure building permits.

(a) The board may, by following the procedures set forth in section 875-115, require that a listed contractor obtain building permits for construction ~~activity~~ set forth in section 536-201 that is otherwise exempt from building permit requirements. The board shall specify the kinds of construction ~~activity~~ for which permits must be obtained and shall specify the duration of the requirement. The period of time for which this requirement may be imposed shall not exceed ~~one hundred eighty~~ three hundred sixty-five (180365) days.

(b) The board, following a policy adopted under section 875-104, may require that a newly listed contractor obtain permits for construction set forth in section 536-201 that is otherwise exempt from building permit requirements. The board shall specify the kinds of construction for which permits must be obtained and shall specify the duration of the requirement. The period of time for which this requirement may be imposed shall not exceed three hundred sixty-five (365) days.

Sec. 875-117. Improper display.

It shall be unlawful for any person, partnership or corporation accomplishing construction ~~activity~~, land alteration, sewer work or driveway work to use the word "listed" in connection with its business if such person, partnership or corporation is not a listed contractor. Such a person, partnership or corporation shall not, for example, use the word "listed" on any display used for advertising or identification or on any of its business forms.

SECTION 7. Sections 875-201 through 875-205, inclusive, of the "Revised Code of the Consolidated City and County," inclusive, regarding the requirement of licensure before engaging in certain electrical work, the types of licenses, the board of electrical examiners, organization of the board, and meetings of the board, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-201. License required.

Licensure as an electrical contractor is required to accomplish the connection of electrical power for on-site construction ~~activity~~, to install, alter, replace, service or repair a system distributing electrical power, to service equipment supplying power to factory-constructed dwellings located in a mobile home park and to install, modernize, replace, service or repair all or any part of an electrical power distribution system. An electrical contractor shall also be entitled to install, modernize, replace, service or repair space heating equipment or space cooling equipment using electricity as its primary source of energy, excluding work on any refrigerant cycle.

Construction ~~activity~~ which this article allows licensed electrical contractors to carry out is hereafter referred to in this article as "electrical work."

A person not licensed under this article who is employed by a licensed electrical contractor may, however, accomplish electrical work while working under the direction and control of a person who is a licensed electrical contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the electrical work.

A person not licensed under this article may, however, accomplish electrical work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs.

Sec. 875-202. Types of licenses.

There shall be two (2) types of licenses approved by the board pursuant to this chapter. Electrical work may be accomplished under these licenses as follows:

- (1) The "master" license authorizes the holder thereof to perform electrical work without limitation.
- (2) The "residential" license authorizes the holder thereof to perform electrical work in one- or two-family residential structures as defined in the Indiana ~~One and Two Family Dwelling Code~~ Residential Code. All such electrical work must conform to the requirements delineated in the Indiana Electrical ~~Rules~~ Code as promulgated by the fire prevention and building safety commission.

Sec. 875-203. Board of electrical examiners.

A board of electrical examiners (hereinafter in this article referred to as the "board") shall consist of eight (8) members and shall be responsible for carrying out the provisions of this article relative to licensure of electrical contractors. The administrator shall be a nonvoting member of the board, ex officio. The seven (7) voting members of the board shall be appointed by the mayor for ~~four~~ two-year terms in such manner that ~~not more than two (2)~~ three (3) terms expire on January first of ~~any~~ one year ~~and four (4) terms expire on January first of the next year~~. Five (5) of the seven (7) members appointed by the mayor shall be persons to whom a license has been issued in accordance with this article, and the two (2) remaining appointed members shall be persons (not licensed under this article) representing the public at large. Each of the appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. 875-204. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one (1) year or until a successor is chosen, whichever is longer.

At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 875-209 and of the equivalent examination stated in section 875-211.

Such written policies and regulations shall be maintained and made available to the public through the offices of the division of ~~development services~~ compliance.

Sec. 875-205. Meetings of the board.

The board shall hold regular meetings once each month in offices of the department of metropolitan development if there are one (1) or more applications for license pending or other official business to come before the board. Special meetings may be called by the chairman or any two (2) members upon giving written notice fixing the time and place of the meeting at least two (2) days in advance of the special meeting. ~~Three (3)~~ Four (4) appointed members of the board shall constitute a quorum for the transaction of all business.

SECTION 8. Section 875-209 of the "Revised Code of the Consolidated City and County," regarding the written examination prior to licensure, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-209. Written examination.

The written examination requirement of section 875-208(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination ~~administered~~ approved by the board relative to electrical work for which such license is required:

- ~~(1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and~~
- ~~(2) General knowledge of the rules of the fire prevention and building safety commission and other state and federal agencies applicable in the consolidated city; and~~
- ~~(3) Expert knowledge about the proper, practical and safe methods of accomplishing electrical work; and~~
- ~~(4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under section 875-204.~~

SECTION 9. Sections 875-216 and 875-217 of the "Revised Code of the Consolidated City and County," inclusive, regarding the requirement of obtaining a bond and insurance, hereby is amended by the deletion of language that is stricken through, to read as follows:

Sec. 875-216. Bond.

(a) Before a license is issued by the division of compliance to any person, partnership or corporation, the administrator shall require the applicant to file a surety bond in the amount of ten thousand dollars (\$10,000.00). Such a bond shall be maintained in full force and effect for the full period of the license. ~~The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year.~~ The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter;
and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any electrical work or any related construction ~~activity~~; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in electrical work or any related construction ~~activity~~.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of ten thousand dollars (\$10,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety financial institution relative to this bond or letter of credit is limited to ten thousand dollars (\$10,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-217. Insurance.

Insurance requirements are met if the person, partnership or corporation secures insurance covering all electrical work and related construction ~~activity~~ accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of compliance.

The insurance carrier shall give notice both to the licensee and the division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

SECTION 10. Section 875-219 of the "Revised Code of the Consolidated City and County," regarding the board's approval for licensure, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-219. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as an electrical contractor shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the division of compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-212(1) or the applicant is a partnership or corporation.

Prior to approval for licensure, a person, general partner of a partnership or officer of a corporation shall attend an orientation presented or approved by the board that provides general knowledge of the provisions of Chapters 536 and 875 pertaining to building standards and procedures.

Upon delivery of such approval an electrical contractor's license shall be issued by the ~~controller~~ division of compliance. The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. ~~(However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years.)~~ No license shall be issued by the ~~controller~~ division of compliance to any person, partnership or corporation as an electrical contractor except as provided in this article.

SECTION 11. Section 875-301 of the "Revised Code of the Consolidated City and County," regarding the requirement of obtaining a license prior to engaging in certain heating and cooling work, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-301. License required.

Licensure as a heating and cooling contractor of the appropriate type is required to install, modernize, replace, service or repair all or any part of a heating system, space heating equipment, a cooling system, space cooling equipment, ~~or~~ refrigeration equipment, or installation of ductwork for an exhaust hood greater than four (4) square feet in a Class 2 structure and installation of duct work for an exhaust hood in any Class 1 structure.

Construction ~~activity~~ which this article allows licensed heating and cooling contractors to carry out is hereafter referred to in this article as "heating and cooling work."

A person not licensed under this article who is employed by a licensed heating and cooling contractor may, however, accomplish heating and cooling work while working under the direction and control of a person who is a licensed heating and cooling contractor, but shall not otherwise enter into or offer to enter into a contractual relationship to engage in the heating and cooling work. The scope of

activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed heating and cooling contractor providing direction and control over the nonlicensed person.

A person not licensed under this article may, however, accomplish heating and cooling work in carrying out ordinary maintenance and repair if such work is accomplished by the person in the regular course of his sole, full-time employment by the owner of the premises where such ordinary maintenance and repair occurs. Persons, partnerships or corporations engaged in the business of service and repair, however, must be licensed under this chapter.

SECTION 12. Section 875-303 of the "Revised Code of the Consolidated City and County," regarding the organization of the board of heating and cooling examiners, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-303. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one (1) year or until a successor is chosen, whichever is longer. At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 875-308 and of the equivalent examination stated in section 875-310.

Such written policies and regulations shall be maintained and made available to the public through the offices of the division of ~~development services~~ compliance.

SECTION 13. Section 875-308 of the "Revised Code of the Consolidated City and County," regarding the written examination prior to licensure, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-308. Written examination.

The written examination requirement of section 875-307(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination ~~administered~~ approved by the board relative to heating and cooling work for which such license of the applicable type is required:

- (1) ~~General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and~~
- (2) ~~General knowledge of the rules of the fire prevention and building safety commission and other state and federal agencies applicable in the consolidated city; and~~
- (3) Expert knowledge about the proper, practical and safe methods of accomplishing heating and cooling work; and
- (4) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under section 875-303.

SECTION 14. Sections 875-315 through 875-318, inclusive, of the "Revised Code of the Consolidated City and County," regarding the requirement of obtaining a bond and insurance, specifying the types of licenses, and the board's approval for licensure, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-315. Bond.

(a) Before a license is issued by the division of compliance to any person, partnership or corporation, the administrator shall require the applicant to file a surety in the amount of five thousand dollars (\$5,000.00). Such a bond shall be maintained in full force and effect for the full period of the license. ~~The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year.~~ The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;

(3) Conditioned upon:

- a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
- b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
- c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agent, employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any heating and cooling work or any related construction ~~activity~~; and
- d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violations;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in heating and cooling work or any related construction ~~activity~~.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of five thousand dollars (\$5,000.00) if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to five thousand dollars (\$5,000.00). A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-316. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all heating and cooling work and any related construction ~~activity~~ accomplished by the licensee or under permits obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage of five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such

insurance shall be delivered to the administrator of the division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of compliance.

The insurance carrier shall give notice both to the licensee and the division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-317. Types of licenses.

There shall be twelve (12) types of licenses approved by the board pursuant to this article. ~~However, after January 1, 1996, there shall only be seven (7) types of licenses.~~ Heating and cooling work may be accomplished under these license types as follows:

- (1) The "air conditioning "A" (unrestricted)" license authorizes the holder thereof to perform all of the kinds of heating and cooling work without limitation.
- (2) The "light commercial/residential" license authorizes the holder thereof to perform work of the following kinds:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment has a rated output not in excess of six hundred thousand (600,000) Btuh and does not include preassembled air-conditioning units which exceed a rating of fifty (50) tons under ARI standards; and
 - b. Installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment has a rated input not in excess of four million (4,000,000) Btuh and which does not utilize a water boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (3) The "residential" license authorizes the holder thereof to perform work of the following kinds in one- or two-family residential structures, commercial buildings of not more than one (1) story and apartment buildings:
 - a. Installation, modernization, replacement, service or repair of cooling systems or space cooling equipment, which system or equipment is single phase and has a rated output of not in excess of sixty thousand (60,000) Btuh; and
 - b. Installation, modernization, replacement, service or repair of a heating system or space heating equipment, which system or equipment has a rated input of less than two million (2,000,000) Btuh and which does not utilize a boiler in which the rated pressure exceeds fifteen (15) pounds per square inch or steam boiler in which the rated pressure exceeds thirty (30) pounds per square inch.
- (4) The "air conditioning "B"" license authorizes the holder thereof to install, maintain, repair, fabricate, alter, or extend central air conditioning, heating and ventilating, including ductwork, within a complete system limited to twenty-five (25) tons cooling and five hundred thousand (500,000) Btu heating (which does not utilize a water boiler in which the rated pressure exceeds thirty (30) pounds per square inch), and all appurtenances, apparatus, piping vessels, ducts and insulation used in connection therewith.
- (5) The "air conditioning "D"" license authorizes the holder thereof to install, maintain, repair, alter, or extend systems of air conditioning and heating including ventilation and any and all duct systems necessary. Systems shall be limited to single phase, five-ton cooling capacity, limited to three hundred thousand (300,000) Btu/hr input heating capacity and limited to boiler pressures of fifteen (15) psig steam and thirty (30) psig water.
- (6) The "high pressure steam" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of heating systems or space heating equipment, which system or equipment utilizes a boiler.
- (7) The "refrigeration" license authorizes the holder thereof to perform installation, modernization, replacement, service or repair of refrigeration equipment.
- (8) The "heavy commercial (unrestricted) service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction activity which

the holder of a ~~an~~ "heavy commercial air conditioning "A" (unrestricted)" license may perform.

- (9) The "light commercial/residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction ~~activity~~ which the holder of a "light commercial/residential" license may perform.
- (10) The "residential service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction ~~activity~~ which the holder of a "residential" license may perform.
- (11) The "steam service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction ~~activity~~ which the holder of a "steam" license may perform.
- (12) The "refrigeration service only" license authorizes the holder thereof to perform work limited to service and repair relative to the kinds of construction ~~activity~~ which the holder of a "refrigeration" license may perform.

Holders of a license listed in (2) or (3) may renew such a license if the holder qualifies for renewal under section 875-311; however, no initial licenses listed under (2) or (3) shall be issued after January 1, 1995.

No initial licenses of the types listed in (8), (9), (10), (11) and (12) shall be issued after January 1, 1995. Holders of a license listed in (8), (9), (10), (11) or (12) may renew such a license if the holder qualifies for renewal under section 875-311; ~~however, such license shall not be renewed for a period of time extending past January 1, 1996.~~

Sec. 875-318. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a heating and cooling contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the division of compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-311(1) or the applicant is a partnership or corporation.

Prior to approval for licensure, a person, general partner of a partnership or officer of a corporation shall attend an orientation presented or approved by the board that provides general knowledge of the provisions of Chapters 536 and 875 pertaining to building standards and procedures.

Upon delivery of such approval a heating and cooling contractor's license of the appropriate type shall be issued by the ~~controller~~ division of compliance. The licensure period shall be from January 1 of any year ending in an even number to December 31 of the following year. ~~(However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years.)~~ No license shall be issued by the ~~controller~~ division of compliance to any person, partnership or corporation as a heating and cooling contractor except as provided in this article.

SECTION 15. Sections 875-322 and 875-323 of the "Revised Code of the Consolidated City and County," regarding the license suspension, revocation, or determination of ineligibility for renewal for a person and for a partnership or corporation, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-322. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-324, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one (1) of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license or license renewal; or
- (2) The licensee acted fraudulently in the license examination; or

- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-312 or section 875-313) failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (4) The licensee acted fraudulently, or with deceit, in his relationship with other persons, partnerships or corporations with which he dealt in connection with heating and cooling work; or
- (5) Heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where the period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for heating and cooling work accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 536-402 of this Revised Code; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for heating and cooling work relative to which he was the applicant for the permits; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-313, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of heating and cooling work; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the inspector status requirements of section 875-222, but is no longer employed by the division of compliance and does not meet the requirements of sections 875-315 and 875-316; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-315 and 875-316 by meeting the partnership or corporate agent requirements of section 875-312, but without presently meeting the requirements of sections 875-315 and 875-316, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this division; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or
- (13) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to heating and cooling work in accordance with requirements of section 875-320; or
- (15) The licensee holding a heating and cooling license other than an "~~heavy-commercial air conditioning~~ "A" (unrestricted)" license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of heating and cooling work without having the type license which is required for such construction ~~activity~~; or
- (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

Sec. 875-323. License suspension, revocation or determination of ineligibility for receipt of a successor license for a partnership or corporation.

The board may, under section 875-324, suspend the license of a partnership or corporation for a period of up to seven hundred thirty (730) days, revoke the license of a partnership or corporation, or determine on the basis of activities carried out while licensed within the previous three hundred sixty-five (365) days that the partnership or corporation is ineligible to receive a successor license, if one (1) of the following is shown:

- (1) A materially false statement of fact was made to the board by an agent of the licensee or placed on the licensee's application for license; or
- (2) The licensee failed to post and maintain the surety bond and insurance required by sections 875-315 and 875-316; or
- (3) An agent of the licensee acted fraudulently or with deceit in its relationship with other persons, partnerships or corporations with which it dealt in connection with heating and cooling work; or
- (4) Heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (5) The licensee failed to correct a violation of building standards and procedures relative to heating and cooling work for which the licensee was responsible as obtainer of the permit or as transferee of the permit, after the administrator of the division of compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violation(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of notice of the building code violation, revocation of permit, or stop-work order, or in the instance where a period of ten (10) days was not sufficient such longer period of time as was fixed by the administrator in writing; or
- (6) The licensee has consistently failed to obtain required applicable permits for heating and cooling work; or
- (7) The licensee has consistently failed to give notice of availability for inspection at designated stages of heating and cooling work as required by section 536-402 of this Revised Code; or
- (8) The licensee has consistently failed to timely file certificates of completion and compliance, as required, for heating and cooling work accomplished pursuant to his license; or
- (9) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in the payment of fees owed pursuant to this chapter; or
- (10) If a partnership, does not have a licensed person as a general partner or employee, or if a corporation, does not have a licensed person as an officer or employee; or
- (11) The partnership presently has a partner or the corporation presently has an officer who has a license under this article presently suspended or who has had such a license revoked within the preceding seven hundred thirty (730) days or a determination made of ineligibility for license renewal within the preceding three hundred sixty-five (365) days; or
- (12) The partnership presently has a partner or the corporation presently has an officer who, within the previous three hundred sixty-five (365) days, served as a partner in a partnership or an officer in a corporation licensed under this article at a time when actions related to policies or practices of the partnership or corporation occurred which provided the primary basis on which the license of the partnership or corporation was revoked, suspended for more than three hundred sixty-five (365) days, or a determination made of ineligibility for receipt of a successor license; or
- (13) Heating and cooling work for which the licensee, holding a heating and cooling license other than a "~~heavy commercial~~ air conditioning "A" (unrestricted)" license, was responsible as obtainer of the permit or as transferee of the permit was performed without the licensee having the type of license which is required for such work; or

- (14) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

SECTION 16. Sections 875-401 through 875-403, inclusive, of the "Revised Code of the Consolidated City and County," inclusive, regarding the requirement of obtaining a license prior to engaging in certain wrecking work, the board of wrecking examiners, and organization of the board, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-401. License required.

(a) ~~Licensure as a wrecking contractor of the appropriate type is required to either engage or offer to engage in the business, trade or calling of demolishing, dismantling, dismembering, razing or removing structures; provided, however, that licensure as a wrecking contractor is not required:~~

- (1) To wreck a one-story detached accessory structure containing less than five hundred seventy-seven (577) square feet of floor area which is located on the same premises as a one- or two-family residential structure or to wreck a structure containing less than five hundred (500) square feet of floor area; or
- (2) To wreck a one-story, one- or two-family residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure; and
 - b. The person is a previous occupant of the structure; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the division of compliance, the person who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy, in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (3) To wreck a one-story, wood-frame structure that is not a residential structure if:
 - a. The wrecking is accomplished by the person who owns the structure or by permanent, full-time employees of the partnership or corporation which owns the structure; and
 - b. The person, partnership or corporation which owns the premises where the structure is located is in possession of the premises where the structure is located; and
 - c. No part of the structure is located nearer than ten (10) feet to another structure not owned by the person, partnership or corporation accomplishing the wrecking or any street, alley or sidewalk; and
 - d. The wrecking will not create a substantial potential health or safety hazard; and
 - e. If deemed reasonably necessary by the administrator of the division of compliance, the person, partnership or corporation who will accomplish the wrecking demonstrates that the wrecking activity is covered by a public liability and property damage insurance policy in amounts established by the administrator (but not less than fifty thousand dollars (\$50,000.00) for personal injury or death and twenty-five thousand dollars (\$25,000.00) for property damage), naming the person doing the wrecking and the Consolidated City of Indianapolis as the insured; or
- (4) To wreck or dismantle a structure or part of a structure if:
 - a. The structure to be demolished or dismantled is a water storage tank, gas storage tank, or other structure which has some unique characteristic requiring specialized expertise

beyond that of the typical licensed demolition contractor, or that the demolition or dismantling work involves some unique circumstance requiring such specialized expertise; and

- b. The person responsible for supervising the demolition or dismantling work demonstrates his or her familiarity with this chapter and chapter 536 and his or her expertise and experience in demolishing or dismantling the type of structure or part of the structure to be demolished or dismantled; and
- c. The person, partnership or corporation submits proof of bond and insurance in the amounts required for the type license normally required to demolish or dismantle the structure or part of the structure and naming the person, partnership or corporation doing the demolition or dismantling work and the Consolidated City of Indianapolis as insured; and
- d. The person, partnership or corporation is listed as a general contractor under article I of this chapter prior to obtaining any wrecking permits or accomplishing any demolition or dismantling work.

The determinations under this paragraph (4) are to be made by the board of wrecking examiners or an employee of the department of metropolitan development designated by that board as qualified to make such determination. The board may appoint an alternate qualified employee for this designee.

(b) In determining whether to issue a permit for wrecking pursuant to paragraphs (1) through (3) above, the administrator of the division of compliance may consult with and seek the advice of the board of wrecking examiners.

(c) A determination by the administrator under paragraphs (1) through (3) or by the board's designee under paragraph (4) not to allow the nonlicensed person to accomplish the work under this section may be appealed to the board of wrecking examiners for reconsideration.

(d) A person not licensed under this article who is employed by a licensed wrecking contractor may, however, accomplish wrecking while working under the direction and control of a person who is a licensed wrecking contractor. The scope of activity of such nonlicensed person shall not extend beyond that allowed by the license type of the licensed wrecking contractor providing direction and control over the nonlicensed person. Such nonlicensed person shall not enter into or offer to enter into a contractual relationship with a consumer to himself engage in wrecking.

(e) Construction ~~activity~~ which this article allows licensed wrecking contractors to carry out is hereafter referred to in this article as "wrecking."

Sec. 875-402. Board of wrecking examiners.

A board of wrecking examiners (hereinafter in this chapter referred to as the "board") shall consist of six (6) members and shall carry out the provisions of this chapter relative to licensure of wrecking contractors. The administrator shall be a nonvoting member of the board, ex officio. The five (5) voting members of the board shall be appointed by the mayor for two-year terms in such manner that two (2) terms expire on January first of one (1) year and three (3) other terms expire on January first of the next year. ~~Two (2)~~ One (1) of the five (5) members appointed by the mayor shall be a persons to whom a license has been issued in accordance with this article, one (1) appointed member shall be an architect registered in the state, one (1) appointed member shall be a professional engineer registered in the state, ~~one (1) and two (2)~~ one (1) appointed members shall be a persons (not licensed under this article) representing the public at large. ~~At least one (1) of the licensed appointed members shall hold a type A license.~~ Each of the appointed members shall be a resident of the consolidated city. Members shall not receive compensation for serving on the board. Those members appointed by the mayor shall serve at his pleasure and shall hold no other elective or appointive office in the consolidated city.

Sec. 875-403. Organization of board.

The board shall meet annually in each January on a date specified for regular monthly meetings in offices of the department of metropolitan development and elect a chairman and any other officers, who shall serve one (1) year or until a successor is chosen, whichever is longer.

At its annual meeting each January, the board shall promulgate written policies and regulations concerning the administration of the written examination stated in section 875-408.

Such written policies and regulations shall be maintained and made available to the public through the offices of the division of ~~development services~~ compliance.

SECTION 17. Sections 875-408 and 875-409 of the "Revised Code of the Consolidated City and County," regarding the written examination prior to licensure and experience, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-408. Written examination.

The written examination requirement of section 875-406(1) is met by a person who demonstrates his understanding of the following subject matter areas by attaining a passing score on a written examination ~~administered~~ approved by the board relative to wrecking for which such license of the applicable type is required:

- ~~(1) General knowledge of the provisions of this chapter and other relevant ordinances of the consolidated city; and~~
- ~~(2) General knowledge of the rules and regulations of the Indiana Fire Prevention and Building Safety Commission, state and federal agencies applicable in the consolidated city; and~~
- ~~(3) Expert knowledge about the proper, practical and safe methods of accomplishing wrecking; and~~
- (2) In the event a person fails to obtain a passing score on the written examination administered by the board, re-examination shall only be allowed pursuant to the written policies and regulations promulgated by the board under section 875-403.

Sec. 875-409. Experience.

The experience requirement of section 875-406(1) is met by a person who has had at least the following number of years of practical work experience pertaining to wrecking, either in a supervisory capacity or as an operator of heavy equipment on wrecking sites:

Type A license	<u>6 years, including 2 years experience in wrecking buildings over 50 feet in height;</u>
Type B license	<u>4 years; and</u>
Type C license	<u>2 years.</u>

SECTION 18. Section 875-411 of the "Revised Code of the Consolidated City and County," regarding the eligibility for license renewal, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-411. Eligibility for license renewal.

The eligibility for renewal requirement of section 875-407(1) is met by a person who:

- ~~(1) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this article within the preceding seven hundred thirty (730) days; or~~
- (2) Has held an unrevoked license of the same type (or any other type identified by a letter nearer the start of the alphabet) under this article within the preceding one thousand four hundred sixty (1,460) days and demonstrates to the satisfaction of the board that during at least two (2) years of that period the person has been actively engaged, in the Consolidated City of Indianapolis or elsewhere, in wrecking.

SECTION 19. Sections 875-415 through 875-418, inclusive, of the "Revised Code of the Consolidated City and County," regarding the requirement of obtaining a bond and insurance, types of licenses, and the board's approval for licensure, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 875-415. Bond.

(a) Before a license is issued by the division of compliance to any person, partnership or corporation, the administrator of the division shall require the applicant to file a surety bond in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. Such a bond shall be maintained in full force and effect for the full period of the license. ~~The bond originally filed with the application for a license or to renew a license shall be for a period of not less than one (1) year.~~ The bond shall set forth the name, phone number and address of the agent representing the bonding company and shall be:

- (1) Issued by a surety authorized to do business in Indiana;
- (2) Payable to the Consolidated City of Indianapolis or an unknown third party as obligee;
- (3) Conditioned upon:
 - a. Compliance with requirements set forth in this chapter which must be met to retain licensure; and
 - b. Prompt payment of all fees owed the consolidated city as set forth in this chapter; and
 - c. Prompt payment to the Consolidated City of Indianapolis for any loss or expense for damages to property of the Consolidated City of Indianapolis caused by any action of the contractor, his agents or employees, principals, subcontractors, materialmen or suppliers in violation of building standards and procedures while engaged in any wrecking or any related construction ~~activity~~; and
 - d. Prompt payment to a person, partnership or corporation which is an unknown third party obligee for any:
 1. Losses arising out of violation;
 2. Expenses necessary to correct violations; and
 3. Court costs and attorney fees allowed by the court incurred in connection with the commencement and prosecution of a court action to recover such losses and expenses for violations of building standards and procedures caused by any action of the contractor, his agents, employees, principals, subcontractors, materialmen or suppliers while engaged in wrecking or any related construction ~~activity~~.

However, the surety is not responsible under the bond for losses or expenses arising out of negligent conduct or improper workmanship unless such conduct or workmanship violates requirements of building standards and procedures.

(b) The administrator may accept in lieu of the surety bond a properly conditioned irrevocable letter of credit in the amount of thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license if the city controller approves the obligor financial institution as being financially responsible and if the corporation counsel approves the letter of credit as affording the same protections to the City of Indianapolis and an unknown third party as the protections afforded by the surety bond.

(c) The obligation of the surety and financial institution relative to this bond or letter of credit is limited to thirty thousand dollars (\$30,000.00) in the case of a type A license, twenty thousand dollars (\$20,000.00) in the case of a type B license and ten thousand dollars (\$10,000.00) in the case of a type C license. A surety or financial institution may pay on the bond or disburse from the letter of credit to pay a claim in full at any time when that claim and pending claims (reflected by written notice to the surety or financial institution) together do not exceed the unpaid penalty of the bond or the undisbursed balance of the letter of credit. If written notice is received of claims which exceed the unpaid penalty of the bond or undisbursed balance of the letter of credit, the surety or financial institution shall pro-rate payment according to the amount of such claims.

Sec. 875-416. Insurance.

The insurance requirements are met if the person, partnership or corporation secures insurance covering all wrecking and related construction ~~activity~~ accomplished by the licensee or under permits

obtained by the licensee and thereafter maintains such insurance in full force and effect throughout the license period:

- (1) A public liability and property damage insurance policy assuring the licensee and naming the Consolidated City of Indianapolis as an "additional assured," and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis arising out of operations being performed by or on behalf of the licensee in the minimum amounts of five hundred thousand dollars (\$500,000.00) for combined bodily injury and property damage coverage or five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is injury or death to one (1) or more persons, and one hundred thousand dollars (\$100,000.00) for any occurrence relative to which there is damage to property. A certificate of such policy shall be delivered to the administrator of the division of compliance.
- (2) Workmen's compensation insurance covering the personnel employed for death or injury arising out of operations being performed by or on behalf of the licensee. A certificate of such insurance shall be delivered to the administrator of the division of compliance. This provision shall not apply if the licensee has no employees and gives appropriate notice to the division of compliance.

The insurance carrier shall give notice both to the licensee and the division of compliance at least fifteen (15) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Sec. 875-417. Types of license.

There shall be three (3) types of license approved by the board pursuant to this article:

- (1) The type A license authorizes the holder thereof to wreck structures without limitation;
- (2) The type B license authorizes the holder thereof to wreck structures up to seventy-five (75) feet in height;
- (3) The type C license authorizes the holder thereof to wreck wood-frame and solid masonry structures not exceeding three (3) stories or fifty (50) feet in height, whichever is less.

Holders of a license listed in (2) may renew such a license if the holder qualifies for renewal under section 875-411; however, no initial licenses listed under (2) shall be issued after July 1, 2003.

Sec. 875-418. Board's approval for licensure.

Approval for licensure of a person, partnership or corporation as a wrecking contractor of the appropriate type shall be in writing signed by a majority of the board. The board may, however, by resolution agreed to by a majority of the board delegate to one (1) of its officers or the administrator of the division of compliance authority to approve applications for licensure or renewal of licensure on behalf of the board in instances where the applicant is a person whose eligibility for license renewal is established by section 875-411(1) or the applicant is a partnership or corporation.

Prior to approval for licensure, a person, general partner of a partnership or officer of a corporation shall attend an orientation presented or approved by the board that provides general knowledge of the provisions of Chapters 536 and 875 pertaining to building standards and procedures.

Upon delivery of such approval, a wrecking contractor's license of the appropriate type shall be issued by the ~~controller~~ division of compliance. The license period shall be from January 1 of any year ending in an even number to December 31 of the following year. ~~(However, during a transition period from July 1, 1995, to December 31, 1997, licenses may be issued for a longer period of time than two (2) years).~~

No license shall be issued by the ~~controller~~ division of compliance to any person, partnership or corporation as a wrecking contractor except as provided in this section.

SECTION 20. Section 875-421 of the "Revised Code of the Consolidated City and County," regarding license suspension, revocation, or determination of ineligibility for renewal for both a person and a partnership or corporation, hereby is amended by the deletion of language that is stricken through, to read as follows:

Sec. 875-421. License suspension, revocation or determination of ineligibility for renewal for a person.

The board may, under section 875-423, suspend the license of a person for a period of up to seven hundred thirty (730) days, revoke the license of a person, or determine on the basis of activities carried out while licensed that a person who is or has been licensed within the previous three hundred sixty-five (365) days is ineligible for license renewal, if one (1) of the following is shown:

- (1) The licensee made any materially false statement of fact either to the board or on his application for license renewal; or
- (2) The licensee acted fraudulently in the license examination; or
- (3) The licensee (but not including licensees who are exempt because of compliance with the requirements of section 875-412 or section 875-413) failed to post and maintain the surety bond and insurance required by sections 875-415 and 875-416; or
- (4) The licensee acted fraudulently or with deceit in his relationship with other persons, partnerships or corporations with which he dealt in connection with wrecking; or
- (5) Wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit was performed either incompetently or in such manner that it does not meet standards of reasonable workmanship or compliance with building standards and procedures; or
- (6) The licensee failed to correct a violation of building standards and procedures relative to wrecking for which the licensee was responsible as applicant for the permit or applicant representing the transferee of the permit, after the administrator of the division of compliance issued notice of a building code violation, revoked a building permit or issued a stop-work order and the violations(s) causing any of these actions remained uncorrected for a period of ten (10) days from the date of issuance of the notice of the building code violation, revocation of permit or stop-work order, or in the instance where a period of ten (10) days was not sufficient, such longer period of time as was fixed by the administrator in writing; or
- (7) The licensee has consistently failed to apply for or obtain required applicable permits for wrecking accomplished by the licensee or under his supervision; or
- (8) The licensee has consistently failed to give notice of availability for inspection at designated stages of wrecking as required by section 536-402 of this Revised Code; or
- (9) The licensee has consistently failed to timely file certificates of completion and compliance for wrecking relative to which he was the applicant for the permits or applicant representing the transferee of the permits; or
- (10) The licensee, excluding licensees who meet the inspector status requirement of section 875-409, has not for a period of five (5) continuous years accomplished or supervised the accomplishment of a significant amount of wrecking; or
- (11) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the inspector status requirements of section 875-413, but is no longer employed by the division of compliance and does not meet the requirements of sections 875-415 and 875-416; or
- (12) The licensee qualified for licensure without meeting the bond and insurance requirements of sections 875-415 and 875-416 by meeting the partnership or corporate agent requirements of section 875-408 but, without presently meeting the requirements of sections 875-415 and 875-416, either he:
 - a. Is no longer a partner or employee of a partnership or an officer or employee of a corporation licensed under this article; or
 - b. Has made use of his license other than as an agent of the partnership or corporation named in his application; or

- (13) The licensee has not properly paid the fee specified by section 875-701 of this Revised Code for a license which has been issued or is delinquent in other fees owed pursuant to this chapter; or
- (14) The licensee has failed to give proper supervision to wrecking in accordance with the requirements of section 875-420; or
- (15) The licensee holding a type B or type C wrecking license has accomplished (without supervision by a licensee of the appropriate type) or supervised the accomplishment of wrecking without having the type license which is required for such construction ~~activity~~; or
- (16) The licensee has attempted to conceal or has concealed violations of building standards and procedures.

SECTION 21. Articles V, VI, and VII of Chapter 875 of the "Revised Code of the Consolidated City and County," regarding registration of plumbing contractors, display of contractors' signs with seal, and contractor listing, registration and license fees, respectively, hereby are amended by the deletion of language that is stricken through, to read as follows:

ARTICLE V. REGISTRATION OF PLUMBING CONTRACTORS

Sec. 875-501. Registration.

(a) Any person or corporation which is licensed by the Indiana Plumbing Commission as a plumbing contractor pursuant to Public Law 188 of the Acts of 1972, as amended, and which performs any work within the Consolidated City of Indianapolis which it is privileged to accomplish pursuant to such license shall register with the division of compliance.

(b) Such registration shall be accomplished by paying a fee specified by section 875-701 and by furnishing the following information on a form supplied by the division of compliance:

- (1) Name of business;
- (2) Legal status (whether sole proprietor, member of partnership or corporation);
- (3) Address of business;
- (4) The identification number of the license issued by the Indiana Plumbing Commission;
- (5) In the instance of a corporation which is a licensed plumbing contractor, the name of all corporate officers or employees who hold a plumbing contractor's license and are authorized by the corporation to obtain building permits on behalf of the corporation for construction ~~activity~~ relative to which state licensure as a plumbing contractor is required.

(c) Such registration shall be for a two-year period, beginning on January 1 of any year ending in an even number and expiring on December 31 of the following year.

(d) Such registration shall terminate during the period of registration at such time as the person or corporation is not licensed by the Indiana Plumbing Commission as a plumbing contractor.

ARTICLE VI. DISPLAY OF SIGNS WITH SEAL

Sec. 875-601. Display of sign containing license/listing seal.

(a) Any person, partnership or corporation that is licensed under Articles II, III or IV of Chapter 875 or listed under Article I of Chapter 875 or registered under Article V of Chapter 875 may, at the work site of construction ~~activity~~ in which the contractor is engaged, place a sign or placard that displays both:

- (1) The name and address of the licensed or listed contractor; and
- (2) The license/listing seal of the City of Indianapolis.

The sign or placard may include additional information about the contractor.

(b) The design of the license/listing seal of the City of Indianapolis shall be approved by the metropolitan development commission. The commission may adopt rules governing use of the license/listing seal.

(c) The sign or placard shall comply with applicable zoning restrictions.

(d) It shall be unlawful:

- (1) For a person, partnership or corporation that is not licensed or listed to display the license/listing seal; or
- (2) For a licensed or listed contractor to display the license/listing seal without also displaying the name and address of the contractor; or
- (3) For the seal to be used in a manner that violates rules of the metropolitan development commission.

SECTION VII. FEES

Sec. 875-701. Listing, registration and license fees.

(a) Fee for listing a sole proprietor, partnership or corporation as a general contractor; fee for licensing a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor shall be as follows:

- (1) ~~New Listing~~ or license: Two hundred fifty dollars (\$250.00).
- (2) Renewal of listing or license ~~when the completed application for renewal is received no later than thirty (30) days after the expiration date of the listing or license:~~ Two hundred dollars (\$200.00).
- (3) Listing or license that has a duration for a period from three hundred sixty-five (365) days to five hundred forty-eight (548) days: One hundred eighty-seven dollars (\$187.00).
- (4) ~~New Listing~~ or license that has a duration from one (1) to three hundred sixty-four (364) days: One hundred twenty-five dollars (\$125.00).

(b) Fee for registration of state licensed plumbing contractors who are sole proprietors or for individuals within a corporation who are eligible to secure permits:

- (1) ~~New R~~egistration: One hundred dollars (\$100.00).
- (2) Renewal of registration ~~when the completed application for renewal is received no later than thirty (30) days after the expiration date of the registration:~~ Eighty dollars (\$80.00).
- ~~(3) Registration that has a duration from three hundred sixty five (365) days to five hundred forty-eight (548) days: Seventy five dollars (\$75.00).~~
- ~~(4) New R~~egistration that has a duration from one (1) to three hundred sixty-four (364) days: Fifty dollars (\$50.00).

(c) Annual fee for persons eligible to apply for permits. A licensed or listed contractor shall be allowed to specify five (5) names, which includes officers, partners, employees or agents of the contractor, who are eligible to secure permits for the contractor. Additional names may be specified, but forty dollars (\$40.00) shall be charged for each additional name.

(d) A person who meets the inspector status requirements stated in section 875-108, 875-214, 875-313 or 875-413 is relieved of the requirement of the annual license, listing or registration fees.

~~(e) Notwithstanding what is stated in subsection (a), the following chart sets forth the applicable fee for the transitional listing of a sole proprietor, partnership or corporation as a general contractor for the period beginning no earlier than July 1, 1995, and ending December 31, 1996:~~

March 7, 2005

	<i>When transitional listing secured</i>			
	<i>July-Sept. 1995</i>	<i>Oct.-Dec. 1995</i>	<i>Jan.-Mar. 1996</i>	<i>Apr.-Dec. 1996</i>
Fees for transitional listing that expires December 31, 1996	\$125.00	\$100.00	\$ 75.00	\$ 50.00

(f) Notwithstanding what is stated in subsection (a), the following chart sets forth the applicable fee for the transitional licensing of a person, sole proprietor, partnership or corporation as an electrical contractor, heating and cooling contractor or wrecking contractor for the period beginning not earlier than July 1, 1995, and ending December 31, 1997:

	<i>When transitional license secured</i>					
	<i>July-Sept. 1995</i>	<i>Oct.-Dec. 1995</i>	<i>Jan.-Mar. 1996</i>	<i>Apr.-June 1996</i>	<i>July-Sept. 1996</i>	<i>Oct.-1996- Dec. 1997</i>
Fees for transitional license that expires December 31, 1997	\$225.00	\$200.00	\$175.00	\$150.00	\$125.00	\$100.00

Sec. 875-702. Examination fees.

~~Fees for examinations which are required as a condition to contractor licensure shall be in the amounts following, or be in the amounts established as the actual cost incurred by the division of compliance in having an outside organization prepare and grade such examinations, whichever amount shall be greater:~~

- ~~(1) Electrical examination fee: One hundred dollars (\$100.00).~~
- ~~(2) Heating and cooling examination fee: One hundred dollars (\$100.00).~~
- ~~(3) Wrecking examination fee: One hundred dollars (\$100.00).~~

SECTION 22. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 23. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 24. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 48, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 48, 2005 on February 14, 2005. The proposal, sponsored by Councillors Mahern and Pfisterer, allows permit applications by facsimile machine to allow the division of compliance to withhold issuance of building permits under certain circumstances and makes other technical changes to the Buildings and Construction chapter of the Code to reflect advances and feedback from the industry. By a 9-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Pfisterer, for adoption. Proposal No. 48, 2005 was adopted on the following roll call vote; viz:

22 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

5 NOT VOTING: Abdullallah, Brown, Day, Plowman, Randolph

2 ABSENT: Conley, McWhirter

Proposal No. 48, 2005 was retitled GENERAL ORDINANCE NO. 9, 2005, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2005

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code for the purpose of updating Chapter 536, which pertains to Buildings and Construction.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 536-111 of the "Revised Code of the Consolidated City and County," regarding definitions applying throughout chapters 536 and 875, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-111. Definitions.

Unless otherwise clearly indicated by the context, the terms defined in this section shall have the specified meanings when used in this chapter and chapter 875. If a term defined in this section is inconsistent or conflicts with any term defined in a rule promulgated by the fire prevention and building safety commission, then the term, as defined by the fire prevention and building safety commission, will be applied to the rules promulgated by the fire prevention and building safety commission and incorporated by reference under Article VIII of this chapter.

~~(a)~~ *Building equipment* means any machine, device, apparatus or material used as part of permanent heating, ventilation, air conditioning, electrical, plumbing sanitary, emergency detection, emergency communication, or fire or explosion systems.

~~(b)~~ *Building standards and procedures* means regulations, standards or requirements relative to either construction or the condition of existing structures or building equipment established by or under federal law, state law or city ordinances. Building standards and procedures shall specifically include rules promulgated by the Fire Prevention and Building Safety Commission, adopted herein by reference, and the substantive and procedural provisions of this chapter.

~~(c)~~ *Class 1 structure* means any part of the following:

- (1) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:
 - a. The public;
 - b. Three (3) or more tenants; or
 - c. One (1) or more persons who act as the employees of another.
- (2) A site improvement affecting access by persons with physical disabilities to a building or structure described in subdivision (1).
- (3) Any class of buildings or structures that the Indiana Fire Prevention and Building Safety Commission determines by rules to affect a building or structure described in subdivision (1).

Class 1 structure includes a structure that contains three (3) or more condominium units (as defined in IC 32-1-6-2) or other units that:

- (1) Are intended to be or are used or leased by the owner of the unit; and
- (2) Are not completely separated from each other by an unimproved space.

Class 1 structure does not include a building or structure that:

- (1) Is intended to be or is used only for an agricultural purpose on the land where it is located; and
- (2) Is not used for retail trade or is a stand used for retail sales of farm produce for eight (8) or less consecutive months in a calendar year.

Class 1 structure does not include a Class 2 structure or a vehicular bridge.

~~(d)~~ *Class 2 structure* means any part of the following:

- (1) A building or structure that is intended to contain or contains only one (1) dwelling unit or two (2) dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.
- (2) An outbuilding for a structure described in subdivision (1), such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

Class 2 structure does not include a vehicular bridge.

~~(e)~~ *Construction* means any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site;
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used;
- (3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used;
- (4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure; or
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

~~(f)~~ *Cooling system* means a system which utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of more than one (1) partitioned space in a structure or to accomplish the cooling of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping.

~~(g)~~ *Electrical power distribution system* means a system for the distribution of electrical current both within and on the exterior of a structure, from an electrical power source to receptacles or equipment which uses electricity; provided, however, that class 2 and class 3 circuits (as defined by the Indiana Electrical Code) shall not be considered part of an electrical power distribution system for purposes of this definition.

~~(h)~~ *Heating system* means a system which utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of more than one (1) partitioned space in a structure or to accomplish the warming of all or part of a structure by distribution of air through ductwork extending more than twelve (12) inches from the appliance collars, or distribution of liquid or vapor through on-site piping; provided, however, that a structural design which utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure shall not be considered a heating system for purposes of this definition.

~~(i)~~ *Industrialized building system* means any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site.

~~(j)~~ *Manufactured home* has the meaning set forth in 42 U.S.C. 5402 as it existed on January 1, 1984.

~~(k)~~ *Mobile structure* means any part of a fabricated unit that is designed to be:

- (1) Towed on its own chassis; and
- (2) Connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

The term includes the following:

- (1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity; or
- (2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

~~(l)~~ *One- or two-family residential structure* means a ~~one family dwelling structure, a two family dwelling structure or any accessory structure appurtenant to either a one family dwelling structure or two family dwelling structure~~ Class 2 Structure.

~~(m)~~ *Ordinary maintenance and repair* means construction commonly accomplished in or on an existing structure for the purpose of preventing deterioration or performance deficiencies, maintaining appearance, or securing the original level of performance. Preventing deterioration or deficient performance shall include such activities as caulking windows, painting, pointing bricks, oiling machinery and replacing filters. Maintaining appearance shall include such activities as sandblasting masonry and cleaning equipment. Securing the original level of performance shall include such activities as replacing broken glass, patching a roof, disassembling and reassembling a piece of building equipment, welding a broken part and replacing a component of a heating system (but not a furnace) with an identical component. Ordinary maintenance and repair shall not include any construction which alters the prior or initial capacity, performance specifications, type of required energy or functional features of an existing structure or building equipment.

Partnership or corporation means a partnership, corporation, or other business association, including limited liability company, organized and authorized to do business under the laws of Indiana.

~~(n)~~ *Person* means an individual human being.

~~(o)~~ *Refrigeration equipment* means equipment which utilizes a source of energy to accomplish the cooling of a space or materials to a constant temperature below sixty (60) degrees Fahrenheit, typically for such purposes as food storage, mechanical fabrication, or industrial processing; provided, however, that plug-in electrical appliances such as freezers or icemakers that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered refrigeration equipment for purposes of this definition.

~~(p)~~ *Service equipment* means the necessary equipment, usually consisting of a circuit breaker or switch and fuses and their accessories, located near the point of entrance of electrical supply conductors to a structure or an otherwise defined area, intended to constitute the main control and means of cutoff of the electrical supply.

~~(q)~~ *Space cooling equipment* means equipment which utilizes a source of energy to accomplish the cooling (not below a constant temperature of sixty (60) degrees Fahrenheit) of an unpartitioned space within a structure in which the equipment is located without the use of duct work for the distribution of air extending more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that plug-in electrical appliances such as window air conditioners that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts shall not be considered space cooling equipment for purposes of this definition.

~~(r)~~ *Space heating equipment* means equipment which utilizes a source of energy including, but not limited to, electricity, fossil fuels, geothermal, solar and wind, to accomplish the warming of an unpartitioned space within a structure in which the equipment is located without the use of air distribution ductwork which extends more than twelve (12) inches beyond the appliance collars or the use of on-site piping for the distribution of liquid or vapor; provided, however, that the following shall not be considered space heating equipment for purposes of this definition:

- (1) Plug-in electrical appliances such as freestanding room heaters that do not require more than twelve (12) amperes of current at a nominal one hundred fifteen (115) volts;

- (2) Self-contained fireplaces; and
- (3) A structural design which utilizes largely natural means to cause flow of thermal energy from the sun to accomplish warming of all or part of a structure.

~~(s)~~ *Structure* means that which is built or constructed, such as an edifice or building of any kind, or any piece of work artificially built up or composed of parts formed together in some definite manner, or any part thereof. The word "structure" shall not include improvements such as public roadways or bridges.

SECTION 2. Section 536-202 of the "Revised Code of the Consolidated City and County," regarding eligibility to obtain and apply for building permits, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-202. Eligibility to obtain and apply for a building permit.

(a) To obtain a building permit a person, partnership or corporation must meet the requirements of paragraphs (1) through (5) below and must be the person, partnership or corporation which will either actually accomplish, supervise accomplishment or be contractually responsible for accomplishment of the construction allowed by the building permit:

- (1) Any person, partnership or corporation which is a listed contractor under Article I of Chapter 875 may:
 - a. Obtain a building permit to accomplish any construction except work for which Articles II, III or IV of Chapter 875 require licensure or IC 25-28.5-1 requires a state license; or
 - b. Obtain a master building permit under sections 536-203 or 536-204.
- (2) Any person, partnership or corporation licensed under Articles II, III or IV of Chapter 875 may obtain a building permit solely to accomplish construction allowed by the license or type of license held by the person, partnership or corporation.
- (3) Any person or corporation registered under Article V of Chapter 875 may obtain a building permit solely to accomplish construction for which state licensure as a plumbing contractor is required.
- (4) Any person who is either a registered architect or registered engineer licensed to practice in the State of Indiana may obtain a building permit to accomplish any construction for which a design release is required and has been given by the office of the state building commissioner. Such architect or engineer, however, may not obtain a building permit for work relative to which Articles II, III or IV of Chapter 875 require a license.
- (5) Any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to accomplish construction on such parcel carried out through direct efforts of:
 - a. The person; or
 - b. One (1) or more employees of the person, partnership or corporation (including temporary employees hired to do construction work); or
 - c. Persons who volunteer to work on the construction and who are not compensated for their services.

Such a person, partnership or corporation may not obtain a building permit to wreck a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction relative to which Articles II and III of Chapter 875 require licensure.

In addition, any person, partnership or corporation which owns, is a contract purchaser or is a long-term lessee of an improved or unimproved parcel of land which the person, partnership or

corporation intends to utilize for its own purposes (e.g., permanent business location, place of residence, rental property that the owner is obligated to maintain) may obtain a building permit to allow construction on such parcel to be carried out by one (1) or more listed contractors as long as a single listed contractor is not responsible for all of the construction to be done on the parcel. Such a person, partnership or corporation may not obtain a permit to demolish or remove a structure for which Article IV of Chapter 875 requires licensure. Such a person, partnership or corporation may not obtain a building permit for work relative to which IC 25-28.5-1 requires a state license. The requirements of section 875-222 and section 875-321 must be met for such a person, partnership or corporation to obtain a building permit to accomplish construction relative to which Articles II and III of Chapter 875 require licensure.

(b) Application for a building permit may be made by the person entitled to obtain the permit or by an employee ~~or agent~~ of the person, partnership or corporation entitled to obtain the permit, or by an employee of a company in the business of obtaining permits for persons, partnerships and corporations listed or licensed under provisions of this chapter. The division of compliance may require that an employee or agent provide written authority to apply for the permit.

SECTION 3. Section 536-205 of the “Revised Code of the Consolidated City and County,” regarding obtaining building permits by written application, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-205. Building permits obtained by written application.

(a) Application for a building permit shall be made to the division of compliance. The application shall be made in accordance with this section, unless each and every requirement of section 536-209 is met and the administrator decides to issue a building permit on the basis of that section.

(b) The application shall be in writing on a form prescribed by the division of compliance and shall be supported with:

- (1) Two (2) copies of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished pursuant to the building permit. In lieu thereof, it shall be within the discretion of the administrator of the division of compliance to accept two (2) copies of a written statement indicating the nature and location of the work to be done pursuant to the building permit where such written statement describes the work as precisely as a copy of detailed plans and specifications drawn to scale.
- (2) Two (2) copies of a plot plan drawn to scale which reflect the location of the structure in relation to existing property lines and which show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks; provided, however, such plot plan shall not be required in the instance where all of the construction is to occur inside an existing structure.
- (3) An improvement location permit, issued by the division of compliance, if required by the ordinance providing for the improvement location permit.
- (4) Written approval from the Marion County Health and Hospital Corporation for any contemplated private sewage disposal system.
- (5) Design release from the Office of the State Building Commissioner, in concurrence with the state fire marshal, if required by Indiana law or any rule of the fire prevention and building safety commission.
- (6) A drainage permit, issued by the ~~department of public works~~ division of compliance, if required by the ordinance providing for a drainage permit.
- (7) A connection permit, issued by the ~~department of public works~~ division of compliance, if required by the ordinance requiring a permit for connection to a sewer.

(c) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure, such application shall be supported with a written statement from each utility that its service to the premises has been disconnected, and with either a written statement from the record titleholder of such premises authorizing the demolition or removal or a court order or administrative order requiring the demolition or removal of the structure.

(d) In the instance where a building permit is requested for the purpose of allowing the demolition or removal of a structure which is in excess of seventy-five (75) feet in height, such application shall be supported by a certificate of insurance reflecting that the obtainer of the building permit has a public liability and property damage insurance policy naming the licensee and the Consolidated City of Indianapolis as the assured and providing also for the payment of any liability imposed by law on such licensee or the Consolidated City of Indianapolis in the minimum amounts of one million dollars (\$1,000,000.00) for any occurrence relative to which there is injury to or death of one (1) or more persons and five hundred thousand dollars (\$500,000.00) for any occurrence relative to which there is property damage.

(e) In the instance where a building permit is requested for the purpose of constructing a swimming pool, such application shall include the name of the person responsible for constructing the required fence or safety pool cover.

(f) Except as provided in section 536-701 or 536-702, a building permit shall be issued if:

- (1) The application and supporting information required by this section have been properly prepared and submitted; and
- (2) The application and supporting information filed in accordance with this section reflect compliance with building standards and procedures; and
- (3) The fee has been paid in compliance with article VI of this chapter; and
- (4) The person, partnership or corporation obtaining the building permit complies with the requirements of section 536-202; and
- (5) The person applying for the building permit complies with the requirements of section 536-202.

(g) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the division of compliance any additions or corrections to that information.

SECTION 4. Section 536-209 of the "Revised Code of the Consolidated City and County," regarding obtaining permits by telephone or facsimile communication, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-209. Permits obtained by a telephone communication or facsimile machine.

(a) The administrator may, but is not required to, issue a permit on the basis of information received by a telephone call over a specified telephone line in the office of the division of compliance (to which may be attached a recording device to make a record of all information supplied) or on the basis of an application submitted by facsimile machine over a specified telephone line in the office of the division of compliance.

(b) To receive a permit on the basis of a telephone communication or facsimile, all of the following requirements must be met:

- (1) The person, partnership or corporation obtaining the permit and the person applying for the permit are eligible to obtain and apply for a building permit pursuant to section 536-202, and:
 - a. Have accomplished construction in the consolidated city for a period of the preceding twelve (12) calendar months without a violation of building standards or procedures which caused a revocation of a building permit pursuant to section 536-704; issuance of and failure to correct violations cited in a stop-work order pursuant to section 536-705; issuance of an order forbidding occupancy pursuant to section 536-706; initiation of a civil action filed pursuant to section 536-707; forfeiture of a licensing bond pursuant to section 536-708; or a judicially imposed fine or imprisonment pursuant to section 536-709; and
 - b. Have over the period of the previous one hundred eighty (180) days made prompt payment of all building permit fees for permits issued under this chapter;
- (2) The construction is being accomplished in or on an existing structure;

- (3) The construction does not involve the demolition or removal of a structure;
 - (4) The construction does not require the issuance of a design release by the office of the state building commissioner;
 - (5) An improvement location permit, issued by the division of compliance, is not required;
 - (6) Approval of the Marion County Health and Hospital Corporation for a private sewage disposal system is not required;
 - (7) The construction does not require a drainage permit; and
 - (8) The construction is susceptible to being accurately described without the aid of either a plot plan or detailed plans and specifications.
- (c) The following information shall be supplied over the specified telephone line in order to obtain a building permit under this section 536-209:

- (1) The name ~~and address~~ of the person telephoning (applicant);
 - (2) The name, ~~address~~ and listing or license number of the contractor in whose name the requested building permit is being issued (obtainer);
 - (3) The address of the construction;
 - (4) A precise description of the construction to be accomplished;
 - (5) The value of the construction.
- (d) The obtainer of the building permit shall remit fees for the permit along with a written application (as provided for in section 536-205) to the division of compliance within five (5) business days following the date of the permit's issuance by check or money order made payable to the controller of the City of Indianapolis. The permit number shall be clearly marked on the face of the check or money order. Payment shall be made in the office of the division of compliance or through the United States Postal Service. If mailed, the postmark on the envelope shall be evidence of compliance with the five-day remittance requirement. If payment is not received within five (5) business days, the permit shall be voidable by order of the administrator. If a permit issued under this section is voided, no further construction shall be accomplished under that permit.

(e) The building permit obtained in accordance with this section shall be in full force and effect at the time a building permit number is furnished by the division of compliance over the telephone line to the applicant. Following the issuance of the building permit in accordance with this section, the division of compliance shall, as soon as conveniently possible after the payment of the permit fee, mail a copy of the building permit document to the applicant for the building permit.

(f) By making payment for the building permit, the applicant and obtainer shall be deemed to represent and certify that the information contained in that permit is complete and accurate, unless the applicant or obtainer shall within ten (10) days provide in writing to the division of compliance any additions or corrections to that information.

SECTION 5. Section 536-216 of the "Revised Code of the Consolidated City and County," regarding notification requirements, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-216. Posting of contractor notification form at work site, notification to division and owners.

(a) Prior to the commencement of construction for which a listed contractor is not required to obtain a building permit because of an exemption provided in paragraphs (1), (2) or (3) of subsection (b) of section 536-201, the listed contractor shall complete the notification form prescribed in subsection (b), place the form on the site as specified in subsection (c) and notify the division of compliance as specified in subsection (d).

(b) The form shall be made of a reasonably durable material and shall contain the following information:

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- (1) Listing number assigned to the contractor by the city.
- (2) Name of contractor.
- (3) A description of the construction which is exempt from the building permit requirements.
- (4) Address of the construction.
- (5) Date when the construction will be initiated.
- (6) Certification by the contractor or an employee of the contractor that the contractor is listed, has a current bond and insurance, and is the contractor doing the construction at the job site.
- (7) Verification number, if any, provided by the division of compliance to the contractor when notice of the construction was given to the division by the contractor.
- (8) Signature of the owner (or a responsible person acting for the owner) indicating that the owner is aware that the division of compliance will make an inspection of the construction at the request of the owner.
- (9) Notice to the owner of the owner's right to request an inspection of the construction within ninety (90) days of completion.

The listing number shall be at least one (1) inch in height. The form shall include ~~the license/listing seal of the City of Indianapolis,~~ a notice indicating how the listing of the contractor can be verified by communicating with the division of compliance and how the owner can secure an inspection of the construction by the division of compliance. The administrator of the division of compliance shall specify the size, format, text and color of the form.

(c) The listed contractor shall place a copy of the completed contractor notification form at a prominent location at the work site where it can be easily seen and would be noticed, ~~provided, however, this provisions shall not require the contractor to place the form at a location objectionable to the owner.~~ It is not necessary to post the notification form as required by subsection (a) if a building permit has been secured and is posted at the job site in accordance with section 536-210 of this chapter. The notification shall remain posted until the completion of the construction.

(d) The listed contractor shall deliver to the division of compliance a copy of the notification form specified in subsection (b). ~~If prior to commencement of the construction the copy has not been delivered, the listed contractor shall notify the division by phone, followed by prompt delivery of a copy of the form to the division.~~

~~(e) Upon receipt of the filing required by subsection (d), the division of compliance shall mail notice to the owner of the owner's right to request inspection of the construction~~

SECTION 6. Sections 536-301 and 536-302 of the "Revised Code of the Consolidated City and County," regarding the filing of certificates of completion and compliance, hereby are amended by the deletion of language that is stricken through, to read as follows:

Sec. 536-301. Filing of certificate of completion and compliance.

Within fourteen (14) days after completion of the construction for which a building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the building permit (or an employee of the obtainer who is authorized to act for the obtainer) for such construction shall execute and file a certificate of completion and compliance with the division of compliance. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE

Address of premises on which construction was accomplished:

Permit

number:

The undersigned person hereby certifies under the penalties for perjury that:

1. I obtained the above referenced building permit or am an employee of the obtainer, and
2. I am familiar with the construction accomplished pursuant to that building permit, and
3. I know such construction has been completed with exceptions here noted _____, and
4. I am familiar with building standards and procedures applicable to such construction, and
5. To the best of my knowledge, information and belief such construction has been performed in conformity with all building standards and procedures.

Date: _____ Signature: _____ Typed or printed name _____

Electrical, heating and cooling or wrecking contractor license number, plumbing contractor registration number, contractor listing number, or registered architect or registered engineer registration number: _____

~~If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536-404(b)(3), he shall not be required to file the above certificate of completion and compliance.~~

If a registered architect or registered engineer has properly executed and delivered or mailed an architect's or engineer's certificate of completion and compliance pursuant to section 536-303, he shall not be required to file the above certificate of completion and compliance.

Sec. 536-302. Filing of certificate of completion and compliance for work done under a master permit.

Within fourteen (14) days after the completion of construction for which a master building permit has been issued pursuant to the provisions of this chapter and prior to the occupancy or use of the structure, the obtainer of the master permit (or an employee of the obtainer authorized to act for the obtainer) shall execute and file a certificate of completion for work done under a master permit with the division of compliance. All licensed or registered subcontractors who worked on the structure shall also execute the certificate. Such certificate shall be in the following form:

CERTIFICATE OF COMPLETION AND COMPLIANCE FOR WORK DONE UNDER A MASTER PERMIT

Address of premises on which construction was accomplished: _____

Permit Number: _____

The undersigned person(s) hereby certify under the penalties for perjury that:

1. I either:
 - (a) Obtained the above referenced building permit (or am an employee of the obtainer); or
 - (b) Am a licensed or registered subcontractor who performed work on the structure; and
2. I am familiar with that part of the construction accomplished pursuant to that building permit that is indicated below; and
3. I know the construction indicated below has been completed with exceptions noted below; and
4. I am familiar with building standards and procedures applicable to such construction; and
5. To the best of my knowledge, information and belief, such construction indicated below has been performed in conformity with all building standards and procedures.

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Structural

Listing #

Exception to work done

Signature

Typed or printed name

Date

Electrical

License #

Exception to work done

Signature

Typed or printed name

Date

Heating and Cooling

License #

Exception to work done

Signature

Typed or printed name

Date

Plumbing

Registration #

Exception to work done

Signature

Typed or printed name

Date

Wrecking

License #

Exception to work done

Signature

Typed or printed name

Date

~~If a licensed electrical contractor has properly executed and delivered or mailed an electrical craft work certificate of completion and compliance pursuant to section 536 404(b)(3), he shall not be required to file the above certificate of completion and compliance.~~

SECTION 7. Section 536-404 of the “Revised Code of the Consolidated City and County,” regarding the connection, provision, or use of electrical power, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-404. Connection, provision or use of electrical power.

(a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power relative to an electrical power distribution system in or on a structure where construction (for which a building permit has been or is required to be obtained pursuant to this chapter) has been accomplished, until after an inspection has been made and a distinctive sticker (signifying the electrical power distribution system may be used) has been attached to each service equipment by the administrator or the administrator's authorized representative. It shall be unlawful for any person other than the administrator or the administrator's authorized representative to use, complete, apply or alter such sticker.

(b) As an alternative to section 536-404(a), the administrator of the division of compliance may allow the connection, provision or use of electrical power on the basis of certification by a person who is a licensed electrical contractor if all of the following requirements are met:

- (1) After the completion of the work and before use of the electrical power distribution system is initiated, the licensed electrical contractor who applied for the building permit shall communicate over a specified telephone line in the office of the division of compliance during business hours (to which the division of compliance may attach a recording device to make a record of all information supplied) the following information:
 - a. The name of the person telephoning;
 - b. The electrical contractor license number of the person telephoning;
 - c. The address of the affected premises;
 - d. The building permit number under which the construction was accomplished; and
 - e. The serial number of the electrical craft work certificate of completion and compliance form to be used.
- (2) If such information is in order and if the licensed electrical contractor has accomplished construction for a period of the preceding twelve (12) calendar months without violation of building standards or procedures which in the discretion of the administrator are of sufficient seriousness to make the contractor ineligible to use the certificate, the division of compliance shall indicate over the specified telephone line authorization to attach a certificate to each service equipment and assign an authorization number to be placed on each certificate by the licensee.
- (3) A certificate, in the following form, must then be executed and attached to each service equipment as a precondition to the connection, provision or use of electrical power.

ELECTRICAL CRAFT WORK CERTIFICATE OF ~~COMPLETION AND~~ COMPLIANCE

Address of the craft work:

Serial number: _____
Permit _____ number:

Authorization _____ number:

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter 875 of the Revised Code of Indianapolis-Marion County, Indiana;
2. I am responsible for the proper completion of the construction which is the subject of the above referenced building permit as applicant for the permit or applicant representing the transferee of the permit; and

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3. I have either personally accomplished or personally inspected all such construction, or in the alternative, I have caused the construction to be inspected by a responsible and competent employee who works under my direction and control, who has fully reported to me the condition of the construction; and
4. I know that such construction is ~~completed and~~ in condition for immediate ~~and final inspection~~ connection on the date stated below; and
5. I am familiar with building standards and procedures applicable to such construction; and
6. I know that such construction has been done in compliance with all building standards and procedures; and
7. I acknowledge and understand that if such construction is done in violation of building standards and procedures, that under the provisions of Chapter 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment:

Signature:

Electrical contractor license number:

Typed or printed name: _____

After the signatory attaches a certificate to each service equipment, such person shall cause a duplicate copy of each certificate to be either delivered to the division of compliance or postmarked no later than the next business day by the United States Postal Service.

- ~~(4) After completion of the above requirements, the division of compliance will notify the electric utility that electrical power can be connected and used at the site.~~

(c) It shall be unlawful for any person, partnership or corporation to accomplish the connection, provision or use of electrical power relative to an electrical power distribution system without first receiving authorization from the division of compliance either by telephone communication and attachment of an electrical craft work certificate of completion and compliance or by the distinctive sticker described in section 536-404(a).

(d) Nothing stated in this section shall be construed to deny the right of the ~~a~~ division of compliance to inspect the electrical power distribution system to which electrical power is connected either before or after such connection is made or before or after the electrical power distribution system is used.

(e) Electrical craft work certificates of completion and compliance may be purchased only by a licensed electrical contractor who is eligible to use such forms from the division of compliance acting on behalf of the controller, for a fee specified in Article VI of this chapter. Each certificate form shall bear a different serialized number which shall be recorded by the division of compliance along with the name and licensure number of the electrical contractor who purchases the form. The certificate may only be signed and attached by the licensed electrical contractor who purchased it from the division of compliance. It shall be unlawful to sell or transfer such certificate and unlawful to use, complete, sign or attach such a certificate except as prescribed in this section.

SECTION 8. Section 536-503 of the "Revised Code of the Consolidated City and County," regarding inspections of premises on which municipally licensed activities are to be carried out, hereby is amended by the addition of language that is underscored, to read as follows:

Sec. 536-503. Inspection of premises on which municipally licensed activities are to be carried out.

At the request of the controller, the director of the department of metropolitan development or the director's authorized representative may inspect the structure and building equipment on any premises which are being used or may be used in connection with a business operation licensed pursuant to Title

IV of this Code. Such inspection shall be made for the purpose of determining whether such structure and building equipment are safe and comply with applicable building standards and procedures. A fee specified by Article VI shall be paid for the original inspection and each annual reinspection by the person, partnership or corporation which made application to the controller for licensure of such business operation. The controller shall cause any fees collected under this section to be deposited into an account for the use and benefit of the department of metropolitan development.

SECTION 9. Section 536-601 of the “Revised Code of the Consolidated City and County,” regarding payment of fees, hereby is amended by the deletion of language that is stricken through, to read as follows:

Sec. 536-601. Payment of fees.

Fees required for activities regulated by this chapter shall be collected by the administrator, division of compliance, acting on behalf of the city controller and are specified in the following sections. ~~All fees shall be rounded to the nearest whole dollar after computation.~~ Floor area shall be determined on the basis of exterior dimensions.

SECTION 10. Sections 536-604 through 536-606, inclusive, of the “Revised Code of the Consolidated City and County,” regarding permit fees for certain building trade activities, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-604. Permit fees for plumbing activity.

(a) Installation of plumbing system in a new structure or in an addition to an existing Class 1 structure:

- (1) Minimum fee—\$30.00.
- (2) General rate—15% of the fee for the building permit (as provided for in section 536-602) which has been obtained for the new structure.

(b) Alteration, repair or replacement of plumbing in an existing structure; or in an addition to an existing Class 2 structure:

- (1) Minimum fee—\$20.00.
- (2) General rate—\$5.50 per \$1,000.00 of total value.
- (3) ~~When documentation submitted prior to the issuance of a permit indicates that the value to the structural work is greater than or equal to the value of the plumbing work, the plumbing permit fee shall not exceed the structural permit fee (as provided in section 536-602(a) or in section 536-603).~~

(c) Initial connection or reconnection of plumbing to a structure which has been removed from one (1) location and is being placed at another location or to a factory constructed building—\$25.00.

(d) If plumbing activity is limited solely to replacement or installation of one (1) or more water heaters in a structure:

- (1) Minimum fee—\$15.00.
- (2) General rate—\$5.50 per \$1,000.00 of total value.

(e) A permit may encompass plumbing activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. 536-605. Permit fees for electrical activity.

(a) Installation of an electrical power distribution system in a new structure or in an addition to an existing structure other than a Class 2 structure:

- (1) Minimum fee—\$35.00.

- (2) General rate—20% of the fee for the building permit (as provided for in section 536-602) which has been obtained for the new structure or addition.
- (b) Repair, alteration or remodeling of an electrical power distribution system in an existing structure, or in an addition to a Class 2 structure:
 - (1) Minimum fee—\$20.00.
 - (2) General rate—\$5.50 per \$1,000.00 total value.
 - (3) When documentation submitted prior to the issuance of a permit indicates that the value to the structural work is greater than or equal to the value of the electrical work, the electrical permit fee shall not exceed the structural permit fee (as provided for in section 536-602(a)).
- (c) Installation or replacement of space heating equipment using electricity as its primary source of energy:
 - (1) Minimum fee—\$20.00.
 - (2) General rate—\$0.15 per each 1,000 Btuh of output capacity up to the first 1,200,000 Btuh and \$0.07 per each additional 1,000 Btuh.
- (d) Installation or replacement of space cooling equipment using electricity as its primary source of energy:
 - (1) Minimum fee—\$20.00.
 - (2) General rate—\$0.20 per 1,000 Btuh of output capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.
- (e) Installation or replacement of combined space heating and space cooling equipment using electricity as their primary source of energy:
 - (1) Minimum fee—\$25.00.
 - (2) General rate—70% of the sum of both general rates provided above in section 536-605(c)(2) and (d)(2) as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.
- (f) Initial connection or reconnection of electrical power to a structure which has been removed from one (1) location and is being placed at another location or to a factory constructed building — \$25.00.
- (g) Installation, alteration, replacement or repair of a system distributing electrical power to service equipment supplying power to manufactured home located in a manufactured home park:
 - (1) Minimum fee—\$25.00.
 - (2) General rate—\$6.00 per service equipment assembly located on property owned by the same person, partnership or corporation and available for inspection at one (1) time.
- (h) "Electrical craft work certificate of completion and compliance" forms, as allowed in section 536-404—\$7.00 each.
- (i) A permit may encompass electrical activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

Sec. 536-606. Permit fees for heating, cooling and refrigeration activity.

- (a) Heating systems, space heating equipment, and duct work:

- (1) Installation, replacement, or addition ~~which entails duct work~~ of a heating system, space heating equipment or other types of heating transfer, ~~or installation, replacement, alteration, or addition of duct work only:~~
 - a. *Minimum fee*—\$25.00.
 - b. *General rate*—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per additional 1,000 Btuh.
- (2) ~~Replacement or addition which does not entail duct work or other types of heating transfer:~~
 - a. ~~*Minimum fee*—\$20.00.~~
 - b. ~~*General rate*—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~
- (b) Cooling systems, space cooling equipment, and duct work:
 - (1) Installation, addition or replacement ~~which entails duct work~~ of a cooling system, space cooling equipment, or other types of ~~heating~~ cooling transfer, ~~or installation, replacement, alteration, or addition to duct work only:~~
 - a. *Minimum fee*—\$25.00.
 - b. *General rate*—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per additional 1,000 Btuh.
 - (2) ~~Installation or replacement which does not entail duct work or other types of cooling transfer:~~
 - a. ~~*Minimum fee*—\$20.00.~~
 - b. ~~*General rate*—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~
- (c) Combined heating systems and cooling systems, combined space heating and space cooling equipment, or duct work:
 - (1) Installation, replacement, or addition of ~~Combined heating systems and cooling systems, combined space heating equipment and space cooling equipment, entailing duct work~~ or other types of heating or cooling transfer, ~~or installation, replacement, alteration, or addition of duct work only:~~
 - a. *Minimum fee*—\$30.00.
 - b. *General rate*—70% of the sum of both general rates provided above in section 536-606(a)(1)b and 536-606(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.
 - (2) ~~Replacement or addition which does not entail duct work or other types of heating or cooling transfer:~~
 - a. ~~*Minimum fee*—\$25.00.~~
 - b. ~~*General rate*—70% of the sum of both general rates provided above in section 536-606(a)(1)b and 536-606(b)(1)b as they are applied to the heating input capacity and cooling input capacity, respectively, of the combined systems.~~
- (d) Space heating equipment:
 - (1) Installation of space heating equipment:
 - a. ~~*Minimum fee*—\$20.00.~~
 - b. ~~*General rate*—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~

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- (2) Replacement of space heating equipment:
 - a. ~~Minimum fee—\$20.00.~~
 - b. ~~General rate—\$0.15 per each 1,000 Btuh of input capacity up to the first 1,200,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~
- (e) Space cooling equipment:
 - (1) Installation of space cooling equipment:
 - a. ~~Minimum fee—\$20.00.~~
 - b. ~~General rate—\$0.20 per each 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~
 - (2) Replacement of space cooling equipment:
 - a. ~~Minimum fee—\$20.00.~~
 - b. ~~General rate—\$0.20 per 1,000 Btuh of input capacity up to the first 600,000 Btuh, and \$0.07 per each additional 1,000 Btuh.~~
- (f) Combined space heating and space cooling equipment:
 - (1) Installation of combined space heating and space cooling equipment:
 - a. ~~Minimum fee—\$25.00.~~
 - b. ~~General rate—70% of the sum of both general rates provided above in section 536-606(d)(1)b and 536-606(e)(1)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.~~
 - (2) Replacement of combined space heating and space cooling equipment:
 - a. ~~Minimum fee—\$25.00.~~
 - b. ~~General rate—70% of the sum of both general rates provided above in section 536-606(d)(2)b and (e)(2)b as they are applied to the heating output capacity and cooling output capacity, respectively, of the combined space equipment.~~
- (g) Refrigeration equipment:
 - (1) Installation of refrigeration equipment:
 - a. ~~Minimum fee—\$20.00~~ \$25.00.
 - b. ~~General rate—\$3.00 per horsepower or fraction thereof \$0.20 per 1000 Btuh of input capacity up to the first 60,000 Btuh and \$0.07 per each additional 1,000 Btuh.~~
 - (2) Alteration or repair of refrigeration equipment:
 - a. ~~Minimum fee—\$20.00.~~
 - b. ~~General rate—\$5.50 per \$1,000.00 of total value.~~

(h) A permit may encompass heating, cooling and refrigeration activity in one (1) fee category to be accomplished within a single structure, regardless of the number of independent systems or equipment units in the structure. The amount of the permit fee for such activity shall be the minimum fee or the general rate, whichever is higher.

SECTION 11. Section 536-609 of the “Revised Code of the Consolidated City and County,” regarding fees charged for inspections required by a permittee’s failure to follow procedures specified in chapter 536, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-609. ~~Reinspection~~ Administrative fee.

(a) ~~An reinspection administrative~~ fee of one hundred twenty-five dollars (\$125.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a person, partnership, or corporation relative to construction for which the person, partnership, or corporation has obtained a building permit, and:

- (1) Notice was not given that construction was available for inspection within the time period required by section 536-402 and the construction is no longer available for inspection; or
- (2) Notice was given pursuant to section 536-402 that construction was available for inspection; and:
 - a. The construction could not be found because the construction address provided on the permit application was incorrect; or
 - b. The construction was not accessible when the inspector attempted to make the requested inspection at the time agreed upon for the inspection (or if no time was agreed upon, between 8:00 a.m. and 5:00 p.m. Monday through Friday on a day that is not a holiday); or
 - c. The construction was not yet sufficiently completed for an inspection to be made; or
 - d. The construction was covered or otherwise concealed and therefore not available for inspection; or
- (3) A notice of correction was issued to the person, partnership, or corporation and either no response from the person, partnership, or corporation was made within the time specified for reinspection or the person, partnership, or corporation requested reinspection of corrections and the corrections were not properly completed; or
- (4) A certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed within the time period required by those sections.

(b) An administrative fee of one hundred twenty-five dollars (\$125.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a person, partnership, or corporation when an inspection reveals that construction has started or is completed that requires a permit and that a permit was not obtained prior to the time of inspection.

(c) An administrative fee of one hundred twenty-five dollars (\$125.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a contractor when an inspection reveals that construction has started or is completed that requires notification under section 536-216 and notification was not obtained and posted prior to the time of inspection.

~~(d)~~ ~~An reinspection administrative~~ fee of one hundred twenty-five dollars (\$125.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a person, partnership, or corporation relative to construction for which a building permit is not required when an inspection visit to the construction address is needed because the inspector receives information that there exists a substantive violation of the building standards and procedures, resulting in the issuance of a notice of correction.

(e) An administrative fee may be assessed (in accordance with a written policy established by the administrator) where a certificate required by section 536-301, 536-302, 536-303 or 536-404 was not filed with the division of compliance, the permit has expired for a period of more than 30-days, and a request for renewal of the permit provided for in section 536-616 was not requested prior to the issuance of the administrative fee.

(f) An administrative fee of one hundred twenty five dollars (\$125.00) may be assessed at the discretion of the administrator (in accordance with a written policy established by the administrator) against a person, partnership, or corporation relative to zoning violations when any subsequent inspection visit to the address is needed because a violation has not been corrected and a notice of violation or citation has been issued.

(g) The administrator of the division of compliance, or his designee, may, at his discretion, waive all or any part of an administrative fee assessed under this section when such fee was assessed in error

or when mitigating circumstances indicate the appropriateness of waiving all or part of the reinspection fee.

SECTION 12. Section and 536-614 of the “Revised Code of the Consolidated City and County,” regarding renewal fees for renewals after expiration, hereby are amended by the addition of language that is underscored, to read as follows:

Sec. 536-614. Fee for building permit obtained by telephone communication or facsimile machine.

When a building permit is obtained by telephone communication or facsimile machine (as provided for in section 536-209) an additional fee of \$7.00 shall be assessed.

SECTION 13. Section 536-616 of the “Revised Code of the Consolidated City and County,” regarding building permit renewal fees, is amended by the deletion of language that is stricken through to read as follows:

Sec. 536-616. Fee for renewal after expiration.

Fee for renewal of a building permit (~~except for a permit that has expired under section 536-213(e))~~ shall be thirty dollars (\$30.00).

SECTION 14. Section 536-618 of the “Revised Code of the Consolidated City and County,” regarding refund of fees, is amended by the addition of language that is underscored, to read as follows:

Sec. 536-618. Refund of fees.

A permit fee paid under this chapter shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued to the person, partnership or corporation requesting the refund and was in force at the time the second permit was applied for and issued.

SECTION 15. Section 536-702 of the “Revised Code of the Consolidated City and County,” regarding authority to withhold issuance of permits, hereby is amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-702. Authority to withhold issuance of permits.

(a) ~~Whenever a person, partnership or corporation which is either an applicant for or obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to section 536-209 or reinspection fees owed pursuant to section 536-609) to the division of compliance pursuant to this chapter or has failed to maintain the bond and insurance requirements of Chapter 875, the administrator is authorized to withhold the issuance of subsequently requested permits until such time that the debt is satisfied or the bond and insurance requirements are satisfied. The administrator of the division of compliance may withhold the issuance of a building permit when the person, partnership or corporation that is either the applicant for or obtainer of a building permit:~~

- (1) Owes fees (including checks returned for insufficient funds, permit fees owed pursuant to section 536-209 or administrative fees owed pursuant to section 536-609) to the division of compliance pursuant to this chapter;
- (2) Has failed to maintain the bond and insurance requirements of Chapter 875;
- (3) Has failed to notify the division of compliance of a change of business address; or
- (4) Has failed to attend a general contractors’ orientation as required by Section 875-107.

(b) ~~Whenever a person, partnership or corporation applies for a building permit for a structure that is not being used or constructed in conformance with provisions of an applicable zoning ordinance or other ordinance relating to land use, the administrator is authorized to withhold the issuance of requested permits until such time that the real property is brought into compliance with applicable ordinances. The administrator of the division of compliance may withhold the issuance of a building permit when the partnership or corporation that is either the applicant for or obtainer of a building permit fails to have at least one general partner (who is a person) or employee of a partnership or at least one (1) officer or employee of a corporation who holds a license of the appropriate type issued pursuant to Articles II, III, or IV of Chapter 875.~~

SECTION 16. Sections 536-821 through 536-823, inclusive, of the “Revised Code of the Consolidated City and County,” regarding use of public property for construction, removal of structures, and electrical power for on-site construction, hereby are amended by the deletion of language that is stricken through and the addition of language that is underscored, to read as follows:

Sec. 536-821. Public property; walkways; dust control.

Any person, partnership or corporation carrying out construction shall comply with the following requirements:

- (1) The use of public property shall meet the requirements of the governmental unit having jurisdiction. Building equipment and materials shall not be placed or stored on public property so as to obstruct free and convenient access to and functioning of any fire hydrant, fire or police call box, utility device, manhole, street, alley or gutter. A protective frame shall be provided for any fire hydrant, fire or police call box or utility device which might be damaged by construction. Bridges or covers shall be provided for sidewalks and manholes which might be damaged by construction.
- (2) A walkway shall be constructed and maintained on the sidewalk and alley around the site of construction involving the erection, construction, major alteration or razing of any structure (except signs, grandstands, tents, air-supported structures) (1) which has an initial or ultimate height in excess of fifteen (15) feet and (2) which is located (or any part of an excavation more than eight (8) feet in depth relative to such construction is located) within twenty (20) feet of the lot line, sidewalk or street (whichever is closer to such structure or excavation); provided, however, that the administrator of the division of ~~development services~~ compliance has the discretion to waive the requirement of placing the walkway on a showing that omission of the walkway will not significantly increase the possibility of injury to persons or damage to property as a result of construction on the site. The walkway may be placed further from the site on a sidewalk or within a street or alley if the governmental unit having jurisdiction gives appropriate authorization. Such walkway shall be equipped with suitable lighting devices and illumination shall be provided in the walkway at all times. Such walkway shall at all times be maintained in a clean and sanitary condition and shall be kept free from rubbish, litter and advertising display and shall be provided with suitable solid inclined approaches. Such walkway shall be not less than four (4) feet in width and shall have a durable wearing surface capable of supporting a live load of two hundred (200) pounds per square foot, be provided with a fence along the construction side, a railing along the street side and a full roof above, so as to afford maximum protection to pedestrians. The protective fence shall be no less than eight (8) feet high above the grade and be constructed from three-quarter-inch boards or plywood laid tightly together and securely fastened to four-inch uprights, set not over four (4) feet apart, with two-inch by six-inch bracing and girts. The posts shall be securely set and braced to prevent buckling and overturning. Openings in the fence shall be protected by doors which are normally kept closed. The protective railings shall be substantially built and when of wood shall be constructed of new material having a nominal size of at least two (2) inches by four (4) inches. Railings shall be at least four (4) feet in height and when adjacent to the excavation shall be provided with a midrail. The protective roof shall have a clear height of eight (8) feet above the walkway. The roof shall be tightly sheathed. The sheathing shall be two-inch nominal wood planking or equal. Such walkways shall be maintained in place and kept in good condition for the length of time construction continues, after which it shall be removed within thirty (30) days.
- (3) Emission of excessive dust or particulate matter shall not occur in the course of construction. A sufficient supply of water shall be available at the site of construction in case it may be needed to put out a small fire or settle dust.

Sec. 536-822. Removing structures.

Any person, partnership or corporation carrying out the demolishing, dismantling, dismembering, razing or removing a structure shall in addition to the requirements of section 536-821 comply with the following requirements:

- (1) The administrator of the division of compliance or his authorized representative may, if reasonably necessary to insure public safety, require the licensed wrecking contractor to submit plans and a complete schedule for demolition. Where such are required, no work shall be accomplished until such plans and schedule are approved by the administrator, the division of compliance, or his authorized representative.

- (2) Blasting and use of explosives shall be accomplished only by a person who has obtained a blasting permit pursuant to the requirements of this Code and by special permission of and under the supervision of the administrator of the division of compliance, the fire prevention bureau of the appropriate jurisdiction, and the division of air pollution control.
- (3) No open fires or other sources of flame except necessary cutting torches are permitted on the inside of the structure which is being wrecked, or in close proximity to flammable materials located outside of the structure, and every reasonable precaution shall be taken to prevent the possibility of fire.
- (4) Suitable provisions shall be made for the disposal of materials which are accumulated during the wrecking of a structure.
- (5) The buildings, foundations, curbs, sidewalks, concrete or asphalt drives and all appurtenances shall be removed to one (1) foot below the ground line or one (1) foot below subgrade elevation, whichever of the two (2) is lower. Such removal shall also include the removal and disposal of buried or exposed tanks. Concrete slabs, under which a basement, pit, well or cistern exists, shall be broken and removed.
- (6) If a sanitary sewer connection exists, a sewer connection permit required by the Revised Code of the Consolidated City and County, Section 671-22 shall be obtained, and the sewer lateral shall be capped in the manner prescribed by the Department of Public Works.
- (67) All rubbish and debris including any goods, merchandise, commodities, products or materials of any kind which may have been stored within the structure being wrecked or on such property shall be removed or cleaned away, the ground leveled off, and the premises put in a clean and sanitary condition; provided, however, that if such property is properly fenced and the erection of a new structure is to be commenced within ninety (90) days, the ground need not be leveled until all such work on the premises is completed.
- (78) Material used for fill or grading shall be only material that can be properly compacted in order to avoid future settlement of filled-in earth or the structure erected over such fill. No pieces of stone, lumber, boards or other material which due to their size or character would prevent proper compaction or would cause later settlement of the surface shall be used in such fill.
- (89) Where a structure is wrecked and an excavation which at any point is eight (8) or more feet below grade level is left unfilled, the fence portion of the walkway required by section 536-821(2) shall remain at the site; provided, however, that the administrator of the division of compliance may approve a fence that does not meet the standards of section 536-821(2) so long as it is sufficient to prevent persons, especially children, from falling into the excavation.

Sec. 536-823. Electrical power for on-site construction.

(a) No person, partnership or corporation shall accomplish or allow the connection, provision or use of electrical power for on-site construction until after a statement of acceptable condition for temporary on-site electrical power has been attached to the temporary service equipment. Such statement shall be in the following form:

STATEMENT OF ACCEPTABLE CONDITIONS FOR TEMPORARY ON-SITE ELECTRICAL
POWER

Address of temporary service equipment:

The undersigned licensee hereby certifies under the penalties for perjury that:

1. I am an electrical contractor licensed in accordance with Chapter ~~536~~ 875 of the Revised Code of Indianapolis-Marion County, Indiana; and
2. I have either personally accomplished or personally inspected all the above referenced electrical work accomplished in connection with the installation of the temporary service equipment, or in the alternative, I have caused such electrical work to be inspected by a responsible and competent employee who works under my direction and control, who has fully

reported to me the condition of such electrical work; and

3. I am familiar with building standards and procedures applicable to electrical work accomplished in connection with the installation of temporary service equipment; and
4. I know that such electrical work has been done in compliance with all building standards and procedures; and
5. I acknowledge and understand that if such electrical work is done in violation of building standards and procedures, that under the provisions of Chapter ~~536~~ 875 my electrical contractor's license may be suspended or revoked.

Date certificate attached to service equipment:

Signature: _____

Electrical contractor license
number: _____

Type or printed name: _____

(b) The provision and use of electrical power for on-site construction shall be subject to reasonable orders made by the administrator of the division of compliance or his authorized representative pertaining to such matters as magnitude, duration and method of furnishing and distributing electrical power.

SECTION 17. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 18. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 19. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 54, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 54, 2005 on February 8, 2005. The proposal, sponsored by Councillors Gibson and Pfisterer, approves the Charter Schools Facility Financing Program, to be administered by the Indianapolis Bond Bank. By a 6-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

David Harris, executive director of Charter Schools, stated that this proposal simply allows charter schools to access financing through the bond bank.

Councillor Sanders said that she will vote in opposition because she is philosophically opposed to charter schools.

Councillor Boyd moved, seconded by Councillor Gibson, for adoption. Proposal No. 54, 2005 was adopted on the following roll call vote; viz:

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23 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy, Talley

1 NAYS: Sanders

3 NOT VOTING: Abdullallah, Brown, Day

2 ABSENT: Conley, McWhirter

Proposal No. 54, 2005 was retitled GENERAL RESOLUTION NO. 1, 2005, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2005

A GENERAL RESOLUTION (i) approving The Indianapolis Local Public Improvement Bond Bank Charter Schools Facility Financing Program, including the issuance of notes in one or more series, for the purpose of financing loans for the acquisition, construction, renovation and leasehold improvement of charter school facilities of charter schools licensed by the Mayor of Indianapolis pursuant to Indiana Code § 20-5.5, payable from loan repayments to be made from revenues of the charter schools; and (ii) approving other matters related thereto.

WHEREAS, the Mayor of the City of Indianapolis (the "City") is authorized pursuant to Indiana Code § 20-5.5 to sponsor charter schools within the City (each Mayor sponsored school a "Charter School" and, collectively, "Charter Schools"); and

WHEREAS, The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank") is a body corporate and politic, separate from the City, and organized under the provisions of Indiana Code § 5-1.4, as amended (the "Act"), for the purpose of purchasing and selling securities of certain qualified entities; and

WHEREAS, Charter Schools established pursuant to Indiana Code § 20-5.5 are qualified entities pursuant to the Act; and

WHEREAS, the Bond Bank is authorized pursuant to the Act to purchase qualified obligations of, and make loans to, Charter Schools established pursuant to the Act; and

WHEREAS, the Bond Bank has been developing a Charter Schools Facility Financing Program (the "Program") wherein the Bond Bank would finance a maximum of Twenty Million Dollars (\$20,000,000) for loans to Charter Schools (each a "Loan" and, collectively, the "Loans"), for the acquisition, construction, renovation and leasehold improvement of charter school facilities for Charter Schools in Indianapolis (each a "Charter School Facility") and

WHEREAS, pursuant to the Program the Bond Bank would enter into a loan agreement with each participating Charter School and each Loan would be evidenced by a note and secured by a mortgage on the charter school facilities to be financed with such Loan; and

WHEREAS, to implement the Program, the Bond Bank would issue notes designated The Indianapolis Local Public Improvement Bond Bank Charter School Facility Financing Program Notes (the "Notes"), in the aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) to finance the Loans, payable from loan repayments to be made from the revenues of the Charter Schools; and

WHEREAS, in order to obtain cost-effective interest rates on the Notes, the Bond Bank expects to establish a debt service reserve fund for the Notes that will be subject to the provisions of IC 5-1.4-5 and Special Ordinance No. 67,85 of the City-County Council; and

WHEREAS, in recognition of the Bond Bank's establishment of a debt service reserve fund, the Local Initiatives Support Corporation and the Annie E Casey Foundation have each agreed to provide One Million Dollars (\$1,000,000) as a guaranty of the repayment of the Loans and as an additional source of replenishment of the debt service reserve fund; and

WHEREAS, the Bond Bank hereby requests the approval by the Council of the Program, including the issuance of the Notes, and the City-County Council now finds that the Program, including the issuance of the Notes, should be approved; now therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council does hereby approve the Program, including the issuance of the Notes in one or more series, payable from loan repayments to be made from revenues of the Charter Schools, in the aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000), all as further described in the recitals hereto.

SECTION 2. The City-County Council does hereby acknowledge that the Notes may be supported by one or more debt service reserve funds that will be subject to the provisions of Indiana Code § 5-1.4-5 and Special Ordinance No. 67, 1985 of this City-County Council.

SECTION 3. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

NEW BUSINESS

Councillor Mansfield stated that Pamela Klein, an advocate for smokefree laws, passed away this last week as a result of second hand smoke.

Councillor Pfisterer asked the Council to remember the family of Joseph Johnson in their thoughts and prayers. Mr. Johnson was a paralegal for the Prosecutor's Office and was killed this past week in a robbery.

President Talley asked for a brief moment of silence for these and for Lawrence Township Police Office Craig S. Herbert, who was killed this weekend in the line of duty.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillors Langsford, Pfisterer, Randolph, Gray, and Brown in memory of Sharon Clegg; and
- (2) Councillor Pfisterer in memory of Thomas M. Strouse, Sr., Frederick Carl Heaviland, Marko S. Milatovich, and Catherine Barnes; and
- (3) Councillor Boyd in memory of Eugene Fowlkes; and
- (4) Councillors Gray and Boyd in memory of Dr. Lorenza Dixon; and
- (5) Councillor Gray in memory of Larry Hall, Theodore Barnett, Andrew Edwards, Jr.; and
- (6) Councillor Pfisterer in memory of Elouise Axe; and
- (7) All Councillors in memory of Craig S. Herbert; and
- (8) Councillors Gray, Boyd, Oliver, Conley, and Nytes in memory of Beatrice Oakley.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Sharon Clegg, Thomas M. Strouse, Sr., Frederick Carl Heaviland, Marko S. Milatovich, Catherine Barnes, Eugene Fowlkes, Dr. Lorenza Dixon, Larry Hall, Theodore Barnett, Andrew Edwards, Jr., Elouise Axe, Craig S. Herbert, and Beatrice Oakley. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

March 7, 2005

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:37 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 7th day of March, 2005.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)

